



UNIVERSITY OF PITTSBURGH

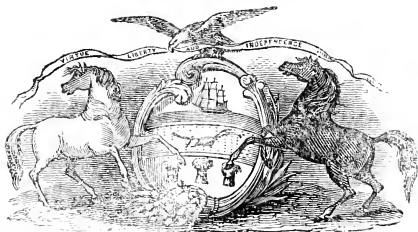


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LAWS
OF THE
GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF PENNSYLVANIA,
PASSED AT THE
SESSION OF 1851,
IN THE
SEVENTY-FIFTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



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16
P415
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CONTENTS.

LAWS PASSED AT THE SESSION OF 1851.

NO.		PAGE
1.	A Further Supplement to an Act to incorporate a company for erecting a bridge over the Susquehanna at the town of Danville.	1
2.	A Supplement to an act entitled "An Act to erect the town of Dillsburg, in York county, and the village of McVeytown, in Mifflin county, into boroughs, and the supplements to the acts erecting York and Harrisburg into boroughs."	2
3.	An Act to authorize the Philadelphia College of Medicine to borrow money.	2
4.	A Supplement to the act entitled "An Act to incorporate the Williamsport Bridge Company, in the county of Lycoming, and for other purposes, passed the third day of June, one thousand eight hundred and forty."	3
5.	An Act authorizing Frederick Smith to collect the balance of school tax in Hopewell township, York county, in one thousand eight hundred and forty-six.	4
6.	An Act to authorize the Sheriff of Allegheny county to sell certain real estate, and to secure money on bond and mortgage.	4
7.	An Act authorizing the Governor to incorporate the Columbus and State Line Plank Road Company.	5
8.	An Act to authorize the Justices of the Peace elected for Marion township, in Greene county, to hold their offices within the borough of Waynesburg, in said county.	6
9.	An Act to amend an act entitled "An Act to incorporate the President and Managers of the Bald Eagle Plank Road Company, and providing for the appointment of Trustees of the Union meeting house, in Centre county."	7
10.	An Act authorizing Jacob Huber, committee of Samuel Huber, jr., of Lancaster county, a lunatic, to sell certain real estate.	8
11.	An Act to authorize the trustee under the will of John Baptist Dumoutet, deceased, to sell and dispose of certain real estate.	8
12.	An Act to authorize the second Associate Presbyterian Congregation of Philadelphia to sell and convey certain real estate.	9
13.	An Act to enable the executors of Samuel M'Lain, late of Tod township, Huntingdon county, to sell and convey a part of the real estate of said deceased.	10
14.	An Act to change the place of holding elections in Allegheny township, Blair county.	12
15.	An Act authorizing the trustees under the will of David Bacon, deceased, to sell certain real estate.	12
16.	An Act extending the limits of the borough of Coudersport.	14

NO.	PAGE
17. An Act authorizing Andrew H. Embich, executor of the last will and testament of Israel Embich, deceased, to sell certain real estate.	15
18. A further supplement to an act to incorporate certain trusts under the title of the Pequa Railroad and Improvement Company, passed the twelfth day of March, one thousand eight hundred and forty-nine.	16
19. An Act to incorporate the Montrose and Harford Plank Road Company.	16
20. An Act relative to the estate of John Struthers, of the city of Philadelphia.	18
21. An Act to legalize a certain temporary loan made by the Commissioners of Allegheny county.	19
22. An Act authorizing the Commissioners of Schuylkill county to sell certain real estate.	19
23. An Act to authorize Samuel Harvey, jr., trustee of Margaret Perkin, widow, Ann Raberg, and Julia G. Harvey, to sell and convey certain real estate.	20
24. An Act to incorporate the Brownington and Perryville Plank Road Company.	22
25. An Act to authorize the Commissioners of Carbon county to borrow money, and conferring upon them other powers relating to said county.	23
26. An Act to incorporate the Elizabeth Turnpike and Plank Road Company.	23
27. An Act authorizing the committee of David Stoner to purchase real estate.	24
28. An Act to confirm the title to certain real estate in the borough of West Philadelphia.	25
29. An Act to incorporate the Philadelphia Insurance Company.	26
30. A supplement to an act entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Huntingdon, and for other purposes, approved May sixth, one thousand eight hundred and fifty."	29
31. An Act authorizing the trustees under the will of George Roberts, deceased, to apply certain of their trust funds to the improvement of their trust estate.	29
32. An Act regulating certain election districts in Clinton and Centre counties.	31
33. An Act to incorporate the Pennsylvania Steamship Company.	31
34. An Act to vest in Peter Bernd, of Lehigh county, the right of this Commonwealth to the personal estate of Mary Rudolph, of Philadelphia.	33
35. An Act authorizing the trustees of the four German Reformed churches in Lancaster county to sell certain real estate.	33
36. A supplement to the acts authorizing the Governor to incorporate the New Holland Turnpike Road Company, and the Lancaster, Elizabethtown, and Middletown Turnpike Road Company.	34
37. An Act to incorporate the Pittsburg Life Insurance Company.	35
38. Supplement to the act of seventh April, one thousand eight hundred and forty-nine, incorporating the Temperanceville and Noblestown Turnpike or Plank Road Company.	39
39. An Act regulating election districts.	40
40. An Act erecting the villages of Mount Joy and Richland, and their vicinity, in the county of Lancaster, into a borough, to be called the borough of Mount Joy.	44
41. An Act regulating certain election districts.	49
42. A supplement to an act entitled "An Act relative to the courts and county officers of Sullivan county, passed the twelfth day of March, one thousand eight hundred and forty-nine."	50

NO.	PAGE
43. An Act authorizing John King, guardian of William Hartley King, John Henry King, and Sarah Bell King, to sell and convey certain real estate, confirming certain sales of the real estate of Samuel Tate, late of Bedford county, deceased, providing for the appointment of a trustee in the room of Peter Walker, of Somerset county, authorizing the trustees of the Methodist Episcopal church in Berlin, to sell certain real estate, and providing for the election of additional supervisors in Somerset township, Somerset county.	50
44. An Act to confer on Davis Zook, an illegitimate son of Maria Holman, of Chester county, the rights, privileges, benefits, and advantages of a child born in lawful wedlock.	52
45. An Act providing for the issue of arms to military schools.	53
46. An Act to incorporate the Strasburg Railroad Company.	53
47. An Act to vacate a portion of Schuylkill Second street, in the county of Philadelphia, and relative to the Aramingo canal.	55
48. An Act to authorize John Mosser and Augustus Leiss to purchase certain real estate.	56
49. An Act to extend the time for the erection and construction of the county prison of Schuylkill county.	56
50. A Supplement to an act entitled "An Act to incorporate the Washington Coal Company, and for other purposes."	57
51. An Act to incorporate the Perkiomen consolidated Mining Company.	58
52. An Act to incorporate the Conewango Plank Road Company.	60
53. An Act authorizing the Governor to incorporate a company to erect a bridge over the Susquehanna river, at or near York Furnace, in the county of York.	61
54. An Act to incorporate the Birmingham and Brownsville Macadamized Turnpike Road Company.	66
55. An Act to incorporate the Wilkesbarre and Scranton Railroad Company.	70
56. An Act relative to costs in the case of the Commonwealth vs. Henry Cronister, of Adams county.	71
57. An Act to authorize John Light, S. S., and Thomas Light to sell a certain church building in Lebanon county.	72
58. An Act providing for the publication of the Colonial Records, and other original papers in the office of the Secretary of the Commonwealth.	72
59. An Act to incorporate the town of Bernville, in the county of Berks, into a borough.	74
60. An Act to authorize the executors of William West, and the executors of Sarah F. Lewis, deceased, to sell and convey certain real estate.	75
61. An Act to authorize the Pittsburg and Steubenville Turnpike Road Company to plank a portion of their road.	76
62. An Act to authorize the Governor to incorporate the Perrysville Bridge Company.	77
63. An Act to prohibit the sale of spirituous, vinous, and malt liquors, in Washington county, and to restrain the sale of spirituous liquors in the borough of Elizabeth, in Allegheny county.	82
64. An Act to erect the village of Callensburg, in the county of Clarion, into a borough.	83
65. An Act relative to supervisors in the counties of Bucks, Pike, and Schuylkill.	84

NO.	PAGE
66. A Supplement to an act entitled "An Act regulating election districts, approved the 10th day of February, 1851."	85
67. A Supplement to the act entitled "An Act to incorporate the Penn Mutual Life Insurance Company."	86
68. An Act relating to supervisors, changing the road laws in certain counties, regulating certain election districts, and increasing the number of commissioners in the district of Penn, in Philadelphia county.	87
69. An Act to enable J. H. Markland, trustee, &c., of Ann Mary Markland, to sell certain real estate.	89
70. An Act to authorize Mary M. Clarke (late Rogers) to sell certain real estate.	90
71. An Act relative to the estate of James Paxton, deceased.	91
72. An Act to provide for the construction of a culvert along Cohocksink creek, in the county of Philadelphia.	92
73. An Act to authorize Edward C. Wayne, and others, to sell certain real estate, and to legalize certain sales.	93
74. A Supplement to an act authorizing the Governor to incorporate the Waynesburg, Greencastle, and Mercersburg Turnpike Road Company, approved January 29th, A. D., 1816.	95
75. An Act to provide for patenting certain out-lots in the town of Franklin, Venango county, and for vacating the streets, lanes, and alleys intersecting the same, and to authorize the sale of a church in Warren county.	96
76. An Act for the relief of Levi Reynolds.	97
77. A Supplement to an act entitled "An Act to incorporate the Philadelphia Life Insurance Company."	98
78. An Act to incorporate the Martinsburg Plank Road Company, in Blair county.	99
79. An Act to change the notice required to be given for the holding of special courts in the Twentieth Judicial District of this Commonwealth.	100
80. An Act to extend the limits of the borough of Johnstown.	100
81. An Act to repeal the second proviso of the second section of an act to incorporate the Bedford Water Company.	101
82. An Act to incorporate the Addison and Elkland Plank Road Company.	102
83. An Act to erect the township and borough of Mauch Chunk, Carbon county, into separate school districts.	103
84. An Act to incorporate the Odd Fellows' Hall Association, of Safe Harbor, in the county of Lancaster.	103
85. An Act further supplementary to an act relating to the borough of Bridesburg, and relative to Shackamaxon square, in Kensington district, in the county of Philadelphia.	106
86. A Supplement to an act entitled "An Act to incorporate the Equitable Insurance, Life Insurance, Annuity and Trust Company, now styled the National Safety Insurance and Trust Company, approved the 17th day of April, 1841."	107
87. A supplement to an act entitled "An Act relating to inns, taverns, and retailers of vinous and spirituous liquors, passed the 11th day of March, in the year of our Lord 1834."	108
88. A Further Supplement to the act entitled "An Act to incorporate the Philadelphia Saving Fund Society."	109
89. An Act for the relief of Thomas Barr, senior, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.	110

NO.	PAGE
90. An Act to authorize William P. Baum, guardian of Elizabeth and Margaret H. Carlisle, to execute a deed to the city of Pittsburg.	110
91. An Act authorizing the sale of certain real estate, late of John Linerd, deceased, Sarah Thomas, Catharine Bollar, and John Martin Hartley.	111
92. An Act to incorporate the village of Bridgeport, in the county of Montgomery, into a borough.	115
93. An Act to vest in Sarah Bower, of Perry county, the right of this Commonwealth to the estate of David B. Ewing, of said county.	120
94. An Act to form the borough of Huntingdon, in the county of Huntingdon, into a separate school district.	121
95. A Supplement to the act entitled "An Act for the erection of a house for the support of the poor in the county of Mifflin, &c., approved the 22d day of April, 1850," to lay out a State road from John Galer's, in Union county, to Benedict's mill, in Mifflin county, relative to the width of South Third street, in the borough of Lewistown, and to the erection of a bridge across the Meshoppen creek, in Wyoming county.	122
96. A Supplement to the act providing for the publication and distribution of the pamphlet laws of this Commonwealth.	124
97. An Act to authorize the commissioners of Columbia county to convey certain real estate, and William Armstrong, of Jefferson county, to sell and convey certain real estate.	125
98. An Act for the relief of John M'Cord.	126
99. An Act to defray the expenses of introducing gas chandeliers and other fixtures into the public buildings, and to pay for the construction of a new board walk.	126
100. A Supplement to an act authorizing the Governor to incorporate the Green Lane and Goshenhoppen Turnpike Road Company, passed the 13th day of March, 1847.	127
101. An Act relative to the Williamsport and Elmira Railroad Company.	128
102. An Act for the relief of the Presbyterian church and congregation of Wellsborough.	129
103. An Act to lay out and cause to be opened a public road from Peach to Liberty street, in the county of Erie, and relative to school and election districts in Bedford, Fulton, and Westmoreland counties.	131
104. An Act to lay out a State road from Carmichaelstown, in Greene county, to Millsboro', in Washington county.	132
105. An Act for re-building three county bridges in Berks county.	134
106. An Act to incorporate the Chestnut Hill Iron Ore Company.	135
107. An Act to authorize the trustees of Mary P. Lardner, formerly Mary P. Downing, to sell certain real estate.	138
108. An Act relative to school and election districts.	139
109. An Act to incorporate in the township of Sandy creek, Mercer county, a borough, to be called the borough of Sheakleyville, and to erect it into a separate election district, and relative to a school district in Armstrong county.	140
110. An Act to incorporate the Coal Run Improvement Company.	143
111. A Supplement to the act entitled "An Act to incorporate the Waynsboro', Quincy, Funkstown, and Fayetteville Turnpike Road Company."	144
112. An Act to repeal an act authorizing the laying out of a State road leading from Washingtonville, in Montour county, to the borough of Muncy, in	

NO.		PAGE
	Lycoming county, and to vacate part of a certain State road in Columbia county.	145
113.	An Act to prevent the destruction of fish in the counties of Washington and Fayette.	145
114.	An Act to incorporate the Greenville and Centreville Turnpike Road Company.	146
115.	An Act to authorize the commissioners of Berks county to sell a lot of ground in the city of Reading, in said county.	147
116.	An Act fixing the place of holding the general and township elections in Spring and Alsace townships, Berks county, and in Middletown township, Tioga county, and in Mahoning township, in Montour county.	148
117.	An Act relating to certain election districts in the counties of Fayette and Allegheny.	149
118.	Supplement to an act authorizing the laying out of a State road from Allentown to Jonestown, and to repeal an act relating to road viewers, in Jefferson county.	150
119.	An Act authorizing John Scott, guardian, to improve certain real estate belonging to his ward, Eliza M. Carlisle.	151
120.	An Act to incorporate Duff's Mercantile College of Pennsylvania.	151
121.	An Act authorizing the trustees of the Methodist Episcopal church in Sadsbury township, Chester county, to sell said church.	154
122.	An Act fixing the gauges of railroads in the county of Erie.	155
123.	An Act relative to the Sharon Iron Company, Mercer county, and relative to certain election districts in this Commonwealth.	156
124.	An Act to include within the borough of New Berlin, Union county, a certain lot of ground belonging to Samuel B. Winters, and for the alteration of the borough law of Lewisburg, Union county, and relative to the destruction of fish in Blair county.	158
125.	An Act to fix the place of holding the elections in the borough of Northumberland and township of Coal, in Northumberland county.	160
126.	An Act to repeal certain road and bridge laws in Crawford and Lawrence counties, approved the 7th day of May, 1844, and supplements thereto.	161
127.	An Act relating to certain school districts and roads in Perry county, and relative to elections in the borough of Landisburg, in said county.	161
128.	An Act to incorporate the city of Carbondale.	163
129.	A Further Supplement to an act making valid the filing of the plot or plan of the borough of Wrightsville, and for other purposes relative to the said borough.	175
130.	An Act to change the name of Moses Ellsworth to Robert Robinson, of Andrew Jackson Green to Harry Green Williams, of James Young to James Thompson Young, and of William Harrington Moss to William Harrington.	176
131.	An Act to authorize the Governor to incorporate the Atlantic and Pacific Road and Navigation Company.	177
132.	An Act authorizing the directors of the City and County Mutual Insurance Company to wind up and settle the affairs of the company and distribute the assets among the stockholders.	179
133.	An Act relating to the appointment of an auctioneer in the borough of York, in the county of York, and relative to the York and Gettysburg Turnpike Road Company.	180

NO.	PAGE
134. An Act to incorporate the Richmond Gas Company.	181
135. An Act to incorporate the Springville and Tunkhannock Creek Turnpike and Plank Road Company.	184
136. An Act for the relief of John Miller, of Blair county.	185
137. An Act for the relief of John Webster, of Chester county.	185
138. An Act to provide for the erection of out-buildings, and further completion and furnishing of the Pennsylvania State Lunatic Hospital.	186
139. A Supplement to an act to incorporate the President and Managers of the Spruce Creek and Philipsburg Turnpike Road Company, approved the 24th day of March, A. D., 1849.	186
140. An Act relative to the estate of Samuel Walker, deceased.	187
141. An Act to incorporate the Mercer and Shenango Plank Road Company, in Mercer county.	189
142. A Further Supplement to an act entitled "An Act to incorporate the Hazleton Coal Company, passed 18th March, A. D., 1836."	190
143. An Act relative to election districts in certain counties, and relative to tavern licenses in the counties of Juniata and Sullivan.	191
144. A Supplement to an act entitled "An Act extending the improvements in the borough of Pottstown, county of Montgomery, and for other purposes, passed the 5th day of April, A. D., 1848," and extending the limits of the borough of Montrose, Susquehanna county.	192
145. An Act relative to the estate of George W. Farquhar, deceased.	193
146. An Act for the relief of Elizabeth Jones.	194
147. An Act to incorporate the Garrettsford Plank Road Company, and relative to the Carlisle and Hanover Turnpike Road Company.	195
148. An Act authorizing Eve Martin, executrix of John Martin, deceased, and John Bassler, administrator de bonis non of Christian Ley, deceased, to sell and convey certain real estate.	196
149. Supplement to the act incorporating the Danborough and Plumsteadville Turnpike Road Company, and relative to a State road in Indiana county.	198
150. A Supplement to an act for the establishment of a House of Refuge in Western Pennsylvania, passed April 22d, 1850.	199
151. An Act providing for the erection of lock-up houses at Connellsville, in the county of Fayette, and at New Brighton, in the county of Beaver.	200
152. An Act relating to a State road in Carbon county, to a school district in Cumberland county, and to the election of supervisors in Slipperyrock and Shenango townships, Luzerne county.	201
153. An Act to incorporate the Tarentum and Saxonburg Plank Road Company, and to repeal an act authorizing the laying out of a certain State road through Butler county.	203
154. An Act to authorize the laying out of a State road from the Allegheny and Perrysville plank road to the village of Rochester, in Beaver county, to authorize the sale of a school house and lot in Lawrence county, and to provide for the election of an assessor in New Castle.	204
155. An Act authorizing the administrator of Samuel Lowther, deceased, to deliver a deed executed by said deceased, in his lifetime, to George W. Boyd, for the undivided one-fourth of a piece of ground in Harrisburg.	206
156. An Act authorizing David Diehl, executor of John Throne, deceased, to purchase real estate.	207

NO.	PAGE
157. An Act to incorporate the Philadelphia and Savannah Steam Navigation Company.	208
158. An Act to confer on Daniel Chambers, an illegitimate son of William and Elizabeth Chambers, the rights, privileges, benefits, and advantages of a child born in lawful wedlock, relative to the Tioga railroad, for the relief of the Coudersport Academy, and authorizing the commissioners of Potter county to borrow money.	211
159. An Act authorizing Watson Comly, Josiah Walton, and Charles Warmesley, to sell and convey certain real estate, and relative to the taxation of moneys at interest in the borough of Doylestown and township of Richland, in Bucks county.	212
160. An Act relative to the destruction of deer in the counties of Franklin, Cumberland, and Schuylkill, and to the collection of taxes in Franklin county.	213
161. An Act to perfect the title to Samuel Williamson of certain real estate, and relative to the Western Pennsylvania Coal Company.	214
162. An Act to incorporate the Carbon Run Improvement Company.	215
163. A supplement to the act erecting parts of Bedford county into a separate county to be called Fulton, approved the nineteenth day of April, Anno Domini, one thousand eight hundred and fifty.	216
164. An Act authorizing the Governor to incorporate the Union Turnpike Road Company.	221
165. An Act to authorize the German congregation of Moore township, Northampton county, to make sale of fourteen acres and one hundred and forty perches of land.	224
166. A supplement to an act entitled "An Act to incorporate the town of Freeport, in the county of Armstrong."	224
167. An Act to authorize William B. Fling, trustee under the will of Mary A. Haydock, deceased, and his successors the Pennsylvania Company for Insurance on Lives and Granting Annuities, John Foreman, the executors of Joseph A. Needles, and the trustees under the will of Francis Milligan, deceased, to sell real estate.	225
168. An Act to incorporate the Somerset and Johnstown Plank Road Company, relating to the half-pilotage law, and in relation to elections in Tioga county.	229
169. A supplement to an act passed the seventh day of April, one thousand eight hundred and thirty-two, authorizing the Governor to incorporate the Liggett's Gap Railroad Company.	231
170. An Act to authorize A. K. Lewis, trustee, to sell certain real estate in the city of Pittsburg, and relative to the estate of Arthur Graham, late of Lebanon county, deceased, authorizing the administrators of Dr. James Clarkson, deceased, to sell certain real estate, Francis Patriek Kenrick, Bishop of Philadelphia, to convey certain real estate in the borough of Columbia, relative to the collection of taxes in West Earl township, Lancaster county, and authorizing the appointment of a trustee for Mary P. Moore, of Washington county.	232
171. An Act to confer on Robert Robinson, Harriet Burgon, and Seth Robinson, illegitimate children of Robert Robinson, of the county of Greene, the rights, privileges, benefits, and advantages of a child born in lawful wedlock.	234
172. An Act authorizing certain commissioners therein named to re-view and relay out parts of the Edgemont Great Road, in Delaware county, relative	

NO.	PAGE
to the estate of William Wallerton, in Chester county, and relative to tax on dogs in certain townships in said county.	235
173. An Act to authorize the directors of the common schools for the borough of Schuylkill Haven to borrow an additional sum of money, relative to the Farmers' Mutual Fire Insurance Company of Schuylkill county, and to Bethel school district in Lebanon county, and for other purposes.	237
174. An Act to incorporate the Good Will Hose Company of Spring Garden district, in the county of Philadelphia.	238
175. An Act authorizing the school directors of Oley and Amity townships to borrow money, relative to the collection of taxes and security of supervisors in Muhlenburg township, vacating a certain street in the city of Reading, and incorporating St. John's church, in Robeson township, Berks county.	240
176. An Act relating to the repairs of county bridges, to the collection of taxes in Colebrookdale, Maxatawney, and Greenwich townships, to the election of county treasurer, to the dividends of the Reading Gas Company, and to the boundaries of the township of Oley, in the county of Berks, and to incorporate the Odd Fellows' Hall Association of New London, Chester county.	242
177. An Act to incorporate the Millerstown, Andersonsburg, and New German-town Plank Road Company.	244
178. An Act relating to the Wellsboro' and Mansfield Plank Road Company, and relative to county bridges in the county of Tioga.	245
179. An Act for the relief of Hiram Cleaver and Jesse Hiselman, of Delaware county.	246
180. An Act to incorporate the Butler Cemetery Association.	246
181. An Act to incorporate the Monongahela Mining Company.	248
182. Bills severally entitled "An Act to authorize Jonathan W. Swain, the guardian of Ann Maria Angue, a minor and only child of Albert D. Angue, deceased, to sell or let on ground rent certain parts of her real estate, confirming certain sales of unimproved lots of Adelaide Goodwin, a minor, and authorizing the sale of the residue thereof, to authorize the sale of certain real estate, late of John Linnerd, deceased, directing the paving of Gray's Ferry road, in the district of Moyamensing (from the junction of Federal street and the Gray's Ferry road to the Gray's Ferry bridge), relative to paving and laying water pipes in the district of Kensington, and to authorize Moses Hyneman, guardian of Elias and Samuel Hyneman, minor children of Benjamin Hyneman, deceased, to sell and confirm the title of certain real estate."	250
183. An Act to incorporate the Penningtonville and Oxford Plank Road Company, to authorize the Canal Commissioners to examine the barn of John Scott, relative to licenses in Chester and Delaware counties, and to a tavern license in Blair county.	253
184. An Act to incorporate the Wattsburg and State Line Plank Road Company, to change the name of Hirtz McMicken Johnson to Hirtz McMicken, relative to the estates of Jane Morehead, of Indiana county, a lunatic, and of John Stewart Biddle, deceased, to authorize John F. Means and Simon Stevens to establish a ferry over the Susquehanna river, in Bradford county, and to authorize Alvin H. Parker, trustee, to sell certain real estate in the city of Philadelphia.	255
185. A Supplement to an act entitled "An Act for the relief of Barbara Patrick, widow of Robert Patrick, a soldier of the revolutionary war, and to incor-	

NO.	PAGE
porate the Conemaugh and Indiana Plank Road Company, and for other purposes, approved the sixth day of May, 1850."	258
186. An Act to provide for the erection of a house for the support and employment of the poor in the county of Beaver.	260
187. An Act for the relief of Bernard Kelly, of Blair county, to enlarge the limits of the borough of Shirleysburg, Huntingdon county, and relative to the guardians of the poor of Philadelphia county.	265
188. An Act to incorporate the Pennsylvania Academy at Sunbury, in Northumberland county.	266
189. An Act to incorporate the Western Clinical Hospital of Philadelphia.	268
190. An Act to authorize the Auditor General to transfer the stock of the Commonwealth in the Pittsburg and Butler turnpike road to the Allegheny and Butler Plank Road Company.	269
191. A Supplement to the act incorporating the Erie Cemetery, in the county of Erie.	270
192. A Supplement to the act entitled "An Act to incorporate the Philadelphia Insurance Company."	270
193. An Act authorizing the laying out of a State road from Petersburg, in Huntingdon county, to a point known as Brown's mills, in Mifflin county.	271
194. An Act to authorize the laying out of a State road from Fredericksburg, Lebanon county, to a point at or near Straustown, Berks county, relative to a State road from Honeybrook township, Chester county, to Reading, to incorporate the Shrewsbury, Hopewell, and Chanceford Plank Road Company, relative to a road commissioner in Schuylkill county, and to the jurisdiction of Aldermen, Justices of the Peace, and Constables, in the city and county of Philadelphia.	272
195. An Act relative to voting at elections in Bradford county, and to the Tioga Railroad Company.	275
196. An Act relative to the estate of George W. Morgan, deceased, to authorize J. Fisher Leaming to sell real estate, and relative to certain trust estates devised by James C. Fisher to his grand-daughters.	276
197. An Act to confer on Jacob Shank, of Lancaster county, the rights, privileges, and advantages of a child born in lawful wedlock, and to incorporate the borough of Mechanicsburg, in York county.	278
198. An Act to authorize the county commissioners of Berks county to construct a bridge over the river Schuylkill, at or near Hamburg, and to borrow money, empowering James Darrah and the administrators of Thomas H. Jones, deceased, to sell certain real estate.	280
199. An Act to incorporate the Marietta and Mount Joy Turnpike Road Company, and relative to the collection of taxes in Manheim township, Lancaster county.	283
200. An Act authorizing the Governor to incorporate the Abington Turnpike and Plank Road Company, and conferring certain powers upon the supervisors of Exeter township, Luzerne county.	284
201. A Supplement to an act entitled "An Act to incorporate the Philadelphia and Atlantic Steam Navigation Company," and relative to filling vacancies in the school board of second section, first district.	285
202. An Act authorizing the Governor to incorporate the Catfish and Clarion Turnpike Road Company, and for the relief of Austin Thompson, and relative to the estate of Elizabeth D. Ford.	286

NO.	PAGE
203. A Supplement to an act entitled "An Act to incorporate the Honesdale and Delaware Plank Road Company, approved the 3d day of May, A. D., 1850."	288
204. An Act to incorporate the Pennsylvania State Agricultural Society.	289
205. An Act to incorporate the Board of Elders of the Northern Diocese of the Church of the United Brethren in the United States of America.	291
206. An Act to provide for the payment of the first and second regiments of Pennsylvania Volunteers, who served in the late war with Mexico.	292
207. An Act to regulate certain election districts, defining the duties of the street commissioners of New Brighton, Beaver county, providing for the widening of Broad street, relative to the election of Cashiers and Solicitors of Banks in Philadelphia county, authorizing the corporation of the city of Philadelphia to lay gas pipes through public highways, changing the name of Charles Orrick Barton Campbell to that of Charles Barton Campbell, and incorporating the Germantown Water Company.	293
208. An Act to change the name of Thomas Orring Nutting to Thomas Xerxes, and relative to the Buck Mountain Coal Company.	297
209. An Act to incorporate the Tangascootack Improvement Company, and relative to auditing the account of the Treasurer of the Board of school directors of the borough of Williamsport, Lycoming county, to the town council of Manayunk, streets in the county of Philadelphia, and to certain collectors on the public works.	298
210. An Act to confirm the title of James Nevins, and to authorize Michael Shoemaker and George Bush to sell certain real estate, and relative to Girard avenue and Thompson street, in the county of Philadelphia.	300
211. An Act relative to certain turnpike road companies in Lancaster county, and to authorize Samuel Ludwig to peddle merchandize in said county.	301
212. An Act to change the name of the borough of West Philadelphia to the district of West Philadelphia, and relative to highways in the districts of Kensington and Richmond, in the county of Philadelphia.	302
213. An Act supplementary to an act passed the 29th day of March, 1832, entitled "An Act relating to Orphans' Courts, and relating to contracts of decedents and escheats in certain cases, and relative to the District Court of the city and county of Philadelphia, and to registers of wills."	305
214. An act authorizing the laying out of a State road from New Brighton, in Beaver county, to Allegheny city, in Allegheny county, to incorporate the New Castle Cemetery Associaton, to erect Harmony township, in the county of Beaver, and for the relief of David T. Stown.	308
215. An Act to incorporate the Jefferson and Ebensburg Plank Road Company, to authorize John Maclay, guardian of James H. Maclay and William J. Maclay to sell certain real estate, and relative to a tavern license in Mifflin county, and to the claim of George Morton.	311
216. An Act authorizing Daniel Sheesley, trustee of Thomas Harrison Jones and Mary Jones, to sell and convey certain real estate.	313
217. An Act to incorporate the Independent Company of Montgomery and Bucks counties for the recovery of stolen horses and detection of thieves, to authorize Elijah F. Pennypacker, and others, trustees, to sell certain real estate in Norristown, and William Carney, guardian of John Cadwalader, to sell certain standing timber in Montgomery county, to authorize the Court of Common Pleas of Montgomery county to incorporate Mutual Saving Fund and Building Associations in said county, and relative to an appeal from the assessment of property in Montgomery county.	314

NO.	PAGE
218. An Act to reduce the expenses of collecting State and county taxes in the county of Venango, to incorporate the Greenville and Ohio State Line Plank Road Company, and authorize the appointment of an auctioneer in the county of Lawrence.	317
219. An Act regulating boroughs.	320
220. An Act for the relief of a certain soldier and widows of soldiers of the Revolutionary and Indian wars.	328
221. An Act to incorporate the president and managers of the Beech Creek Plank Road Company, relative to the fees of the prothonotary of Lycoming county, for the acknowledgement of treasurers deeds, and for the relief of Amos Addis.	329
222. An Act to confirm the title of certain real estate in Delaware county, conferring certain powers on the Beaver Meadow Railroad and Coal Company, and relative to the trust estate of Marion W. Kingsbury, in the borough of Towanda.	330
223. An Act to incorporate the Ray's Hill, Werefordsburg, and Maryland Line Turnpike Road Company, authorizing John Payne to sell and convey, or let upon ground rent certain real estate, fixing the place of holding elections in Middle Woodbury township, Bedford county, confirming certain elections in Fulton county and certain legal proceedings in Bedford county, changing the road laws in Tioga county, regulating the inspections of weights, beams, and measures, and relating to the estate of Rebecca Large.	332
224. An Act to extend the limits of the borough of Orwigsburg, in the county of Schuylkill, relating to the removal of the seat of justice of said county, and authorizing the erection of offices in the county of Forrest.	335
225. An Act to incorporate the Kingessing and Tinicum Meadow Company.	338
226. An Act incorporating the congregation of the United Brethren of the borough of Bethlehem and its vicinity.	345
227. An Act to authorize Henry Wilton to construct a dam or breaker in the river Susquehanna.	352
228. An Act relating to county prisons, to the Foster Home Association and Cawenesque Plank Road Company, to apportion the rent of wharves and docks in the port of Philadelphia, and relative to the service of process on Foreign Insurance Companies and other Corporations.	353
229. An Act authorizing the incorporation of the Farmers' and Mechanics' Bank of Easton.	355
230. An Act authorizing the Canal Commissioners to investigate the claim of Benjamin H. Fredericks, for damages sustained on the North Branch division of the Pennsylvania canal, for the relief of John Kinzey, authorizing Samuel Caldwell to erect a wing dam in the Susquehanna river, relative to the sale of unseated lands in Lycoming, Clinton, Sullivan, and Centre counties, incorporating the Walker, Marion, and Howard Turnpike Road Company, and fixing the rate of toll to be charged by the Larry's Creek Plank Road Company.	356
231. A further supplement to an act passed the 27th day of February, A. D., 1847, entitled "An Act to incorporate the district of Richmond, in the county of Philadelphia, in relation to the security of tax collectors in said county, to streets in Germantown, to the vacation of Wager street, in the district of Kensington, and relative to a school house in Philadelphia county."	358

NO.	PAGE
232. A further supplement to the act to incorporate the Dauphin and Susquehanna Coal Company, passed the 5th day of April, 1826.	360
233. An Act authorizing the commissioners of Armstrong county to sell certain real estate, in relation to the sale of the real estate of John Stewart, of Adams county, to the Lykens Valley Railroad Company, and incorporating the Loretto Turnpike Road Company, in Cambria county.	361
234. An Act to confirm the title to certain real estate in West Philadelphia, in the county of Philadelphia, incorporating the Odd Fellows' Hall Association of the borough of West Philadelphia, in the county of Philadelphia, legalizing investments of bonds or certificates of debt created by the county of Allegheny, the city of Pittsburg, and the city of Allegheny in certain cases, authorizing William Darrah, guardian of Mary Skinner, a minor, and James H. Bradford, guardian of Charles F. Bradford and Samuel F. Bradford, to sell certain real estate.	363
235. An Act to incorporate the Findleyville and Saw Mill Run Plank Road Company.	367
236. An Act relating to the borough of Towanda.	368
237. An Act to incorporate the Gap Mining Company of Lancaster county.	369
238. An Act to open and extend an alley in the city of Allegheny, and in reference to the grading and paving of streets in said city, also relative to a street in South Pittsburg and courts and alleys in the borough of Pottsville, in Schuylkill county, and relative to a bridge across the Swatara creek near Hummelstown, Dauphin county, legitimating Franklin William Lehman, of Lebanon county, confirming title of certain real estate to James Patterson, and relative to the collection of water rents in the city of Allegheny, and to billiard rooms in the county of Tioga.	371
239. An Act to incorporate the village of Waymart, in the county of Wayne, into a borough, and relative to elections in the city and township of Carbondale, Luzerne county.	375
240. An Act authorizing Francis Patrick Kenrick, Bishop of Philadelphia, to convey certain real estate in the borough of York, and a supplement to the charter of the said borough.	381
241. An Act to incorporate the Towanda and Burlington Plank Road Company, to repeal certain road laws relating to Wyoming county, to extend certain road laws to certain townships in Wyoming and Susquehanna counties, to change the time of holding township elections in Wyoming county, declaring the south branch of Towanda creek a public highway, to prohibit the storage of saltpetre in large quantities in the city of Philadelphia and incorporated districts of the county of Philadelphia.	382
242. An Act to appoint Tobias Shoemaker trustee of the person and estate of Samuel Henderson, a deaf and dumb person of the county of Westmoreland, incorporating the Somerset and Conemaugh Plank Road Company, to provide for the sale of certain turnpike roads in the county of Somerset, relative to Parpey's school district in the county of Westmoreland, authorizing the Tenth Presbyterian Church of Philadelphia to purchase and hold certain real estate, and relative to the claim of John Ross, of Mifflin county.	385
243. An Act for the regulation and government of the Montgomery county prison, to incorporate the Catfish, Brady's Bend, and Butler Plank Road Company, and in relation to the Easton Water Company.	388
244. An Act to repeal the seventh, eighth, and ninth sections of an act passed the fifth day of April, Anno Domini, one thousand eight hundred and forty-	

NO.		PAGE
	nine, entitled "An Act to vacate Long lane, in the county of Philadelphia, and for other purposes."	398
245.	An Act to repeal so much of the ninth section of an act entitled "An Act to incorporate the Lewisville and Prospectville Turnpike Road Company in Montgomery county, and relating to certain State roads in Allegheny and Washington counties, and in Luzerne, Schuylkill, and Columbia counties, and in relation to the first United States Bank and Courts of Quarter Sessions, as authorizes the extending and laying out of a State road from Conyngham, in Luzerne county, thence to the Susquehanna river, at the ferry near the house lately occupied by Conrad Diedrich, thence to cross the river and pass through the notch in the mountain, near the residence of Robert Henderson, in Luzerne county, and thence to the house of James Hess."	399
246.	An Act authorizing the acting executrix of Andrew Newell, late of Huntingdon county, deceased, to sell certain real estate, authorizing the guardian of John G. Trimble, a minor, to sell and convey real estate of said minor, and for other purposes, in relation to the name of Philip Shultz, deceased, of Huntingdon county, providing for the collection of road taxes in Allegheny township, Blair county, to incorporate the Birmingham Female Seminary, and in relation to the sale of certain real estate.	400
247.	A supplement to the act relating to the Tioga and Lawrenceville Plank Road Company.	405
248.	An Act to provide for the erection of a house for the employment and support of the poor in the county of Lycoming, to authorize the laying out of a State road from a certain point in Forks township, Sullivan county, to Monroeton, in Bradford county, and relative to the hunting of deer in the township of Washington, in the county of Lycoming.	406
249.	An Act authorizing an appropriation to re-build the Conestoga Bridge.	412
250.	An Act requiring the Dauphin and Susquehanna Coal Company to erect a stone wall on the east side of the Pennsylvania canal, below the town of Dauphin.	413
251.	A Supplement to an act to incorporate the Erie and Waterford Plank Road Company, continuing the State and county appropriations to the House of Refuge, and relative to the estate of Charles Marie, also called Charles Berthault.	414
252.	An Act to incorporate the Union Hall Association of York county, to confirm title to certain real estate of Joseph Sneeringer, deceased, in the county of Adams, and relative to a road in York county, and to change the name of John Von Sountag Haviland to John Von Sountag De Havilland.	415
253.	An Act relative to roads and highways in Philadelphia county, and the Norristown and Valley Railroad Company, and supplementary to an act entitled "An Act relative to tax collectors in Montgomery county, to registered taxes within the county of Philadelphia, passed 13th March, 1847."	418
254.	An Act to change the name of the Methodist Church in the city of Pittsburgh, and to authorize the trustees thereof to sell certain real estate, to the collection of water tax in the city of Pittsburgh, and the measurement of coal in Allegheny county, and authorizing an extension of the Wellersburg and West Newton plank road, to confirm the title of Thomas Farley to certain real estate, to mortgage certain real estate of John M'Masters, to settle the accounts of Alfred Sutton, late prothonotary of Allegheny county, to erecting public buildings in Susquehanna county, to a State road in Indiana county, and to the district of Richmond, in Philadelphia county.	419

NO.	PAGE
255. An Act regulating certain election districts, and for other purposes.	424
256. A Further Supplement to an act to incorporate the Little Schuylkill and Susquehanna Railroad Company, now the Catawissa, Williamsport, and Erie Railroad Company.	429
257. An Act to authorize and empower the receivers of the New Hope Delaware Bridge Company, appointed by the chancellor of the State of New Jersey to sell and convey the real estate and franchises of the said company, and to pay the debts of the same.	430
258. An Act to incorporate the Harmony and Mercer Turnpike or Plank Road Company.	433
259. An Act to incorporate the Carbondale and Providence Turnpike and Plank Road Company.	434
260. An Act to incorporate the Wyoming County Plank Road Company.	436
261. An Act authorizing W. F. Falconer, committee of Robert Falconer, to execute deeds, and relative to the destruction of trout and game in Cumberland county, and to authorize the Cumbeland Valley Mutual Protection Company of Dickinson township, in said county, to borrow money, and relative to the Light Artillery Company of Perry county, in relation to the sale of the real estate of Jesse Miller, deceased, authorizing the school directors of Spring township, Perry county, to sell real estate, providing for the copying of the Records, in relation to roads in Cumberland county, to grade Stony Ridge, for the relief of Andrew Van Camp, incorporating the New Castle and Portersville Plank Road Company.	437
262. An Act relative to the election of trustees of the Philipsburg meeting house, in Centre county, to the appointment of commissioners to make the boundary lines between the counties of Centre and Mifflin and Huntingdon and Centre, to the election of trustees of the old Columbia Public Ground Company of the borough of Columbia, Lancaster county, to hawkers and pedlers in Northumberland county, and relative to the powers of certain Courts of Common Pleas, and authorizing Joseph Ruffhead to sell and convey certain real estate, and extending the charter of the Rock Cabin and Tangascootack Railroad Company.	440
263. An Act relative to the election of the town council of the borough of Bellefonte, and to incorporate the Hebron and State Line Plank Road Company.	443
264. An Act to change the name of the Northumberland and Point Infantry, and the Independent Rangers, to the payment of certain companies by the treasurers of Fayette, Lycoming, and Union counties, relative to certain school and election districts, to incorporate the Odd Fellows' Hall Association in the county of Chester, and extending certain road laws in Wayne county.	444
265. An Act to change the name of Francis S. R. Power to Francis S. R. Bliven, making William H. Porter and Edith T. Greene, heirs and adopted children of Daniel and Elmira Greenleaf, relative to the sale of liquors in certain districts in Carbon and Luzerne counties, and to incorporate the Pine Creek and Cawanesque Plank Road Company, and relative to the Williams' Valley Railroad and Mining Company.	446
266. An Act altering the charter of the Easton Gas Company, authorizing Peter Kershner, John Brossman, and Lewis J. Hanold, guardians, to sell certain real estate, relative to elections in Berks county, in the township of North Heidleberg, and in the borough of Bernville, in said county, supplementary to the act incorporating St. John's Church in Robeson township,	

NO.	PAGE
fixing the time of holding courts in Greene county, and relative to the estate of Catharine Yohe, deceased.	448
267. An Act for the relief of sundary persons, soldiers and widows of soldiers of the revolutionary and Indian wars.	451
268. An Act authorizing the laying out of a State road from Martin's creek, in Northampton county, to Stroudsburg, in Monroe county, relative to the election of trustees of Clearfield Academy, to repeal an act authorizing the laying of a State road in Centre and Union counties, relative to the hunting of deer with dogs in Centre county, to repeal an act declaring Elk creek, in Penn township, Centre county, a public highway, and relative to the Delaware and Cobb's Gap Railroad Company, and to Sutherland Avenue, in the county of Philadelphia.	452
269. An Act to incorporate the Weccacoe Hose Company of the District of Southwark, in the county of Philadelphia.	455
270. An Act authorizing the Governor to incorporate the Haverford Plank Road Company.	456
271. An Act to erect an independent school district out of parts of Allegheny and Beaver counties, relating to the Moyamensing Hose Company, dividing Lower St. Clair township, Allegheny county, to a lock-up house in East Birmingham, to authorize the directors of the House of Refuge to locate their building upon the common ground, Allegheny city, to the Aramingo canal, to the claim of Thomas Beale, to a school district in Cambria county, and to the German Reformed Congregation in Germantown.	457
272. An Act in relation to the Danville and Pottsville Railroad Company.	460
273. A Supplement to the act entitled "An Act to incorporate the York and Cumberland Railroad Company."	463
274. An Act to incorporate the Sons of Temperance Hall Association of Rawlinsville, in Lancaster county, supplementary to "An Act incorporating the borough of Marietta, in Lancaster county," relative to the pay of certain judges in East Huntingdon township, to the title of a certain school house and lot of ground in Drumore township, relative to vacating part of an alley in the city of Lancaster, and for the relief of Jacob F. Herr.	464
275. An Act to locate a street in Brookville, in Jefferson county, and to incorporate the Cochranville Hall Association of Chester county, dividing the township and borough of Chester, and relative to the mode of voting in Upper Chickerton township, Delaware county.	466
276. An Act in relation to the election of a supervisor in Lack township, Juniata county, to certain election districts, to the Hempfield Railroad Company, and relative to township officers in Branch and Cass townships, Schuylkill county.	470
277. An Act to incorporate the Odd Fellows' Hall Association of the township of Kingsessing, in the county of Philadelphia, relative to certain streets in Philadelphia county, and to Upper and Lower Germantown, and relative to a toll-house on the Ridge turnpike road.	473
278. A supplement to an act entitled "An Act to incorporate the Erie and Wattsburg Plank Road Company, and to incorporate the Waterford and Union Plank Road Company."	477
279. A supplement to an act entitled "An Act to erect the town of Minersville, in Schuylkill county, into a borough, approved the 9th day of April, 1849."	478

NO.	PAGE
280. An Act requiring the Court of Common Pleas of Indiana county to take off the confirmation in a certain case of lunacy, and declaring certain creeks in Indiana county public highways, and relative to the elections of supervisors in White township, in said county.	479
281. An Act to incorporate the Dunk's Ferry and Buck Turnpike or Plank Road Company.	480
282. An Act authorizing the Governor to incorporate the Youngsville and Sugar Grove Plank Road Company.	481
283. An Act to authorize the Governor to incorporate the Prompton and Cherry Ridge Turnpike Road Company, and relative to foreign insurance companies.	482
284. An Act to incorporate the Allentown Iron Company.	485
285. An Act to incorporate the Union School and Children's Home Asylum, to provide for the taxation of non-residents, venders of merchandize, in the city and county of Philadelphia, and for the relief of Edward Hutchinson.	488
286. An Act to incorporate the Towanda and Athens Plank Road Company.	490
287. An Act for the relief of Rebecca Fee, Margaret Baird, and Jane Linn, widows of soldiers of the Revolutionary and Indian wars.	494
288. An Act relative to a certain drain in Berks county, and relative to a lock-up house and supervisor in the borough of Womelsdorf, and relative to township lines and turnpike gates in the county of Berks.	497
289. An Act to incorporate the Protection Mutual Fire Insurance Company of Littlestown, in the county of Adams.	499
290. An Act to incorporate the Odd Fellows' Hall Association of York county.	501
291. An Act to incorporate the Union Beneficial Society of Oxford, in the county of Adams.	503
292. An Act to amend an act entitled "An Act to incorporate the Marshall Savings Association of the city and county of Philadelphia, approved the 22d day of March, 1850, and relative to the estates of Sarah Knorr and Thomas Reeves, and in reference to deeds and to the collectors of corporation taxes in the district of Northern Liberties, in the county of Philadelphia."	505
293. An Act to incorporate the Sherman's Valley Plank Road Company, and relative to roads in Wheatfield township, Perry county.	507
294. An Act to lay out a road from the Pennsylvania Railroad opposite Lewistown, Mifflin county, to M'Culloch's mills, Juniata county, incorporating the Lewisburg and Brush Valley Plank Road Company, and relative to the claim of Joseph J. Langton.	509
295. An Act to authorize the Governor to incorporate a company to erect a bridge over the river Schuylkill, near the site of the late Flat Rock Bridge, in the counties of Montgomery and Philadelphia, relative to an election district in Lycoming county, to legitimate Charles Leech, jr., and extending the provisions of an act to encourage manufacturing operations to articles manufactured of salt.	511
296. A supplement to an act entitled "An Act authorizing the Governor to incorporate the Sugar Valley and White Deer Turnpike Road Company."	517
297. An Act continuing the fifth section of an act entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company, and relative to the obstructions of private roads by railroad companies, relative to holding elections in Sparta township, Crawford county, and the	

NO.	PAGE
borough of Loretta, Cambria county, authorizing John McDill to sell certain real estate to a volunteer company called the Broad Top Rifle Rangers, to the borough of Ebensburg, Cambria county, to supervisors in Lancaster and Jefferson counties, changing the name of the Northumberland and Point Infantry, a volunteer company, to the Chestnut Hill Iron Ore Company, to an election district in Clearfield county, and to the Conococheague creek, in Franklin county."	518
298. An Act to incorporate the New Alexandria Female Seminary, relative to the election of supervisors in Franklin township, Greene county, and the Pennsylvania Fire Company.	521
299. An Act to incorporate the Manheim and Lebanon Plank and Turnpike Road Company.	523
300. An Act to authorize the Governor to incorporate the Wellsburg Plank Road Company, authorizing Rebecca Cubin to sell certain real estate, and for the relief of John Hanson.	524
301. An Act to incorporate the Sons of Temperance Hall Association of Doylestown, in the county of Bucks, and to erect the Point Pleasant school district in said county, and relative to the claim of Henry Fogle, of Dauphin county.	526
302. An Act to authorize Sarah Y. Graeff, administratrix, &c., of Joseph Graeff, late of the Northern Liberties, in the county of Philadelphia, deceased, to sell and convey certain real estate, and to incorporate the West Philadelphia Gas Company.	528
303. A Supplement to an act entitled "An Act to incorporate the Lewisville and Prospective Turnpike Road Company in Montgomery county, and relative to certain State roads in Allegheny and Washington counties, and in Luzerne, Schuylkill, and Columbia counties, and relating to the first United States Bank and Court of Quarter Sessions, approved April 22d, 1850, and relative to lateral railroads and county commissioners in Allegheny county, to incorporate the New Castle and Green Valley Plank Road Company in Lawrence county, changing the word Beaver to that of Lawrence in a certain act approved 26th of April, 1850, and relative to the claim of Jacob Rheem and Daniel Beelman, and to the estate of Mary Ann Taylor, late of the city of Philadelphia, deceased.	536
304. An Act relative to the estate of Alexander MacDonald, deceased, and to incorporate the Presbyterian Institute of the Presbytery of Philadelphia.	538
305. An Act to confer on Alexander Thomas and Budd Jones and Emma Downey, of Allegheny county, the rights and privileges and advantages of children born in lawful wedlock, in relation to a tax on dogs in the said county of Allegheny, incorporating the West Newton and Braddock's Field Plank Road Company, relative to fishing with nets in the Monongahela river, authorizing constables to serve civil process in Germantown, relative to miners in Schuylkill county, legitimatizing Jane C. Collins, relative to the premiums on fox scalps in the county of York.	541
306. An Act to incorporate the Cash Mutual Fire Insurance Company of Pennsylvania, and to authorize the laying out of State road from Washingtonville to Muncy.	543
307. An Act relative to the granting of tavern licenses in the counties of Allegheny and Clarion, and to the licensing of billiard rooms and bowling saloons in Mifflin county.	548
308. An Act to incorporate a company for the erection of piers in the Susquehanna river opposite Columbia, to secure rafts and other floats on said river, providing for the erection of a lock-up house in the borough of	

NO.		PAGE
	Washington, in the county of Lancaster, and in relation to the storage of saltpetre in Philadelphia	549
309.	An Act to incorporate the Miller's Run and Cross Creek Valley Plank Road Company, relative to the title of certain lands in Washington county, to the election of prothonotary and clerk of courts in Butler county, confirming a certain deed, relative to the appointment of superintendents on the Butler and Mercer Turnpike Road, changing the place of holding elections in Butler township, Butler county, relative to certain election districts in the county of Mercer, and to authorize James Hulings, his heirs and assigns, to extend a rope, chain, or wire, across the river Allegheny, to facilitate crossing the same, and relative to the opening of Wylie street in the city of Pittsburg.	552
310.	An Act to incorporate the Lawrenceville and Sharpsburg Plank Road Company, relative to the courts of Allegheny county, to the taxation of the Famers' and Drovers' Bank of Waynesburg, and to the real estate of the German Lutheran Congregation of Philadelphia.	555
311.	An Act to incorporate the Schuylkill County Agricultural Society, relative to a school district in Schuylkill county, to an election district in said county, to the daily pay of the commissioners of Berks county, to the reporter of the decisions of the Supreme Court, to the collection of school taxes in certain townships in Crawford and Allegheny counties, to the estate of Joseph Parker Norris, deceased, to the Keystone Life and Health Insurance Company, to tavern licenses in Philadelphia city and county, to the estate of Polly Dunlap, of Clearfield county, to the sale of a lot of ground by the overseers of the public schools of the city and county of Philadelphia.	557
312.	An Act for the relief of Robert M. Lemon, to incorporate the Williamsburg Academy, to change the place of holding elections in Hopewell township, Huntingdon county, and to authorize William H. King to collect certain taxes in said county.	560
313.	An Act to facilitate the passage of coal and coke boats over the Monongahela Navigation Improvement, and to incorporate the Marine Transportation Company of Philadelphia.	563
314.	An Act extending the time for the completion of the Hollidaysburg and Bedford turnpike road, relative to the collection of certain taxes in Huntingdon county, authorizing Greensburg and Mount Pleasant to subscribe stock in a plank road company, to the sale of malt liquors in the city and county of Philadelphia, to certain school districts in Erie and Warren counties, and confirming a certain power of attorney to George Morris Knevelt.	566
315.	A further supplement to the act entitled "An Act authorizing the Governor to incorporate the Bear Mountain Railroad Company, and for other purposes, passed July 13th, 1842," and relative to roads, streets, and alleys in the borough of Pottsville, in Schuylkill county, to hawkers and pedlars in Armstrong and Carbon counties, to the Betheny and Dingman's choice turnpike road, to the district of West Philadelphia, to the bottling of cider and malt liquors, licensing billiard rooms and bowling saloons, to the district of Moyamensing, and to authorize Charles B. Mench to sell certain real estate.	569
316.	An Act to incorporate the Vigilant Hose Company of the district of Southwark, in the county of Philadelphia, authorizing the directors of Spruce Ward, in the city of Reading, to borrow money, to lay out a State Road in York and Cumberland counties, in relation to the district of Penn,	

NO.		PAGE
	and to the Fireman's Insurance Company of Northampton county, to the borough of Allentown, to a road from the Susquehanna river to the State Lunatic Hospital, to extend the provisions of the act relating to manufacturing operations to the business of printing and publishing, to holding elections in Richmond, Philadelphia county, to the claim of Wm. Denahy, to the vending of mineral water in Chester county and the city and county of Philadelphia, to the estate of Henry Manly, deceased, to holding elections in West Philadelphia.	572
317.	An Act to incorporate the Temple Hall Association of the county of Philadelphia, and relative to the borough of Aramingo, in said county, to authorize the laying out of a State road in Perry and Franklin counties, and relative to supervisors in North Penn township, Philadelphia county.	578
318.	An Act to revive the charter of Bank of Beaver, for the purpose of collecting its debts.	580
319.	An Act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes, relative to a certain road in Kingston township, Luzerne county, and to incorporate the Valley and Mountain Turnpike and Plank Road Company.	581
320.	A Supplement to an act entitled "An Act to incorporate the American Baptist Publication Society, approved March 20th, 1845," to invest in Susan Erwin the title to certain real estate, and relative to assessors in the city of Philadelphia.	585
321.	A Supplement to an act incorporating the New Hope, Doylestown, and Norristown Railroad Company.	586
322.	An Act to establish a Board of Health, and to secure the city and port of Pittsburg from the introduction of pestilential and contagious diseases, and relative to the granting of tavern licenses in Butler county.	587
323.	An Act to incorporate the Sheafferstown Academy, relative to suits on registered taxes in the county of Philadelphia.	590
324.	An Act authorizing the laying out of a State road from a point on the public road leading up Mill creek, at or near John G. Miles' saw-mill in Huntingdon county, to intersect the public road leading from the mouth of Mill creek through Kishacoquillas valley to Brown's Mills, in Mifflin county, incorporating the Sullivan and Bradford Plank Road Company, relative to the claims of Benjamin Bonsal, to an election district in Mifflin county, and to the collection of school taxes in Beale township, Juniata county.	591
325.	An Act to incorporate the New Brighton and Harmony Plank Road Company, relative to the Hillsboro' and Pittsburg State road, and to the borough of Strattonsville, to granting licenses to theatres, circuses, and menageries, to a State road in Monroe and Pike counties, and to the Girard Avenue Schuylkill Bridge Company.	594
326.	An Act erecting certain school districts in the counties of Westmoreland and Schuylkill, to incorporate the Myer's Mills Plank Road Company, and for the relief of William Keller, of Bedford county.	599
327.	An Act to incorporate the Bloody Run, Clearville, and Maryland Line Turnpike Road Company, relative to certain elections and election districts in Bedford, Cambria, Fulton, and Bucks counties, and in relation to a deed, and to certain turnpike stock in Bedford county.	601
328.	An Act to incorporate the Oaklands Cemetery.	603
329.	An Act to incorporate the Columbus Male and Female Academy, relative to interments in the borough of West Chester, to certain election districts,	

NO.	PAGE	
	to furnish the Monroe Artillery with a field-piece, to holding elections in the borough of Bridesburg, to the district of West Philadelphia, to pay an annuity to certain old soldiers, to the title of certain real estate belonging to Jacob E. Clayton, to a township in Jefferson county, to the borough of Middletown, Dauphin county, to a school district in Schuylkill county, and to the claims of H. P. Cadwalader.	605
330.	An Act to incorporate the Odd Fellows' Hall Company of Lewistown, relative to roads in Milford township, Juniata county, to the Millheim and East Kishacoquillas and Lewistown and Kishacoquillas Turnpike Road Companies, and to the real estate of John Silverthorn.	609
331.	An Act relating to the commencement of actions to judgments and decrees, for the payment of money to the widows and children of decedents, to partitions in the Common Pleas, relative to penalties on telegraph operators, to pleadings in certain actions of debt, to actions of ejectment, to the protection of fences, to partnerships, to limitation of writs of entry in manors, lands, and tenements, to the exemption laws, to reports of the Supreme Court, to appeals, relating to ward, borough, and township officers, to the acknowledgment of deeds and sequestration of life estates.	612
332.	An Act to authorize the laying out of a State road from Downingtown, in Chester county, to the Conestoga turnpike, in Berks county, to incorporate the Darby and Ridley Turnpike or Plank Road Company, and relative to the claim of Joseph D. Webster.	617
333.	An Act to amend the charter of the Independent Fire Insurance Company of parts of Philadelphia, Bucks, and Montgomery counties, and relative to certain legal proceedings in Carbon county.	619
334.	An Act to incorporate the Mount Carmel and Shamokin Railroad Company.	620
335.	An Act relative to the Mahanoy and Wisconsin Railroad Company.	621
336.	An Act to incorporate the Western Insurance Company, relative to the tax on the Lebanon Valley railroad, to taxation on exempt property, to affidavits of defence in the Common Pleas of Schuylkill county, and relating to the claim of Henry L. Patterson.	622
337.	An Act to incorporate the Susquehanna Railroad Company.	626
338.	An Act regulating the licensing of beer houses and stores to sell liquors in the counties of Susquehanna and Wyoming, relative to the New York and Erie railroad, to change the name of the Ligget's Gap Railroad Company to the Germantown Gas Company, and to the release of Christian Haehnlen as one of the sureties of Jacob Sallade, late Surveyor-General.	628
339.	An Act to incorporate the Adams County Mutual Fire Insurance Company, and relative to the pay of commissioners and auditors of Franklin county.	630
340.	An Act to incorporate the city of Erie, and to authorize said city to borrow money to be applied to the improvement of their harbor, and to authorize the Canal Commissioners to examine the claims of James Darling, John Nicholas, Porter & Smith, James White, William Henry, and Colt & Brobst.	631
341.	An Act to incorporate the Byberry and Poquessink Turnpike Road Company, and relative to the publication of the final report on the geological survey of the State.	636
342.	An Act authorizing the laying out of a State road from near Rodensberger's tavern, in Montour county, to Ladig and Lantzer's Mill, in Union township, Schuylkill county, and repealing certain State road laws in Schuylkill and Columbia counties.	637

NO.	PAGE
343. An Act to incorporate the Beverly and Dunk's Ferry Steamboat Ferry Company, relative to the Bucks County Mining Company, to holding elections in the Fifth Ward in the district of Moyamensing, to an alley in the district of the Northern Liberties, to the collection of taxes for road purposes in Plymouth township, Lycoming county, and to the sale of certain real estate of Benjamin Baldorf.	639
344. An Act to incorporate the Anderson Library Association of the city of Allegheny, relative to the estate of Matilda Elliott, Mary C. Breckenridge, and Thomas Reeves, Jr., to the Allegheny and Manchester Plank Road Company, to a bridge at Tarentum, and to the school district of Lewis-town.	641
345. An Act incorporating a company to erect a plank road from Wilkesbarre to Providence, in Luzerne county, relative to the limits of the town of Bloomsburg, to judicial proceedings in Columbia county, to change the name of William Richey to William Mann, extending a certain act concerning tin and clock pedlars to Bradford county, and relative to certain road taxes in Clinton county.	645
346. An Act to incorporate the Keystone Mining Company, and relative to the estate of George Andes, and Christiana his wife.	647
347. An Act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts.	648
348. An Act to incorporate the president and managers of the Byberry and Andalusia Turnpike Road Company.	651
349. An Act supplementary to the act to incorporate the Hollidaysburg and Bedford Plank Road Company.	652
350. An Act to incorporate the Bald Eagle Bridge Company.	653
351. An Act to incorporate the Spring Creek and Greene Plank Road Company, relative to the courts in Columbia county, to certain soldiers, and widows of soldiers, and to prison inspectors of Lancaster county.	656
352. Supplement to an act entitled "An Act authorizing the Governor to incorporate the Codorus Navigation Company, approved April 12th, Anno Domini, 1825," incorporating the York and Hopewell Turnpike or Plank Road Company, and relative to certain officers in the borough of Norristown.	658
353. An Act to authorize the president and managers of the Whitemarsh and Plymouth Turnpike Road Company to borrow money, and to incorporate the Quakertown and Sellerstown Turnpike Road Company.	660
354. An Act to incorporate the Meadville Cemetery, relative to the election of a justice of the peace in Womelsdorf, Berks county, repealing part of the ninth section of an act passed April the 8th, 1850, regulating election districts, and relating to the election of supervisors and borough officers, to deeds defectively acknowledged or proved out of this State for lands therein, and relative to the vacating of a street in Monongahela city.	661
355. An Act to incorporate the Kensington Dock Company, relative to the collection of taxes in Bern township, Berks county, and to the district of West Philadelphia.	663
356. An Act supplementary to the act incorporating the Williamsport and Elmira Railroad Company.	667
357. An Act to incorporate the Greensburg and Uniontown Turnpike and Plank Road Company.	668
358. An Act to incorporate a company to erect a bridge over the river Schuylkill at Spring Mill, in Montgomery county, relative to the nineteenth	

section of an act regulating certain election districts, &c., approved March 29th, 1851, to school directors in Philadelphia county, to actions for damages sustained by injuries done to the person by negligence or default, relative to the accounts of John Humes, deceased, to authorize the trustees of the seventh Presbyterian Church of Philadelphia to convey certain real estate, to security for moneys loaned by wives to husbands, to unpaid school taxes in Bradford county, and relative to service of process on agents of joint stock companies.

669

359. An Act to provide for the ordinary expenses of government, the repair of the public canals and railroads, and other general and special appropriations.

676

360. A Supplement to the act entitled "An Act to incorporate the Bear Valley Coal Company, passed 12th day of June, 1839."

689

361. An Act to supply the charter, and confirm the title, to certain real estate of the rector, churchwardens, and vestrymen of Calvary Church, Rockdale, Delaware county.

689

362. An Act to incorporate the Upper Ten Mile Plank Road Company, in Washington county.

690

363. An Act authorizing the Governor to incorporate the Butler, Callensburg, and Clarion Plank Road Company.

691

364. An Act to incorporate the Trout Run and Blossburg Plank Road Company.

693

365. An Act to authorize the Governor to incorporate the Uniontown Water Company, in Dauphin county.

694

366. An Act to incorporate the Bache Institute of Philadelphia.

697

367. An Act authorizing the laying out of a State road from Ringgold in Jefferson county, to Kittanning, in Armstrong county, incorporating the Ceres and Oswago Plank Road Company, and annulling the marriage contract between John Savery and Elizabeth his wife.

699

368. An Act to prevent the landing of convicts from foreign countries, and to incorporate the Swede Iron Company.

701

369. An Act to incorporate the president and managers of the Kittanning Plank Road Company.

703

370. An Act to incorporate the Bridgeton and Newtown Turnpike or Plank Road Company.

704

371. An Act authorizing the laying out a State road from a point at the end of the township road in Licking Creek Valley, near John Winn's, Mifflin county, to intersect the public road in Black Log Valley, at or near — Andrews, in Juniata county, and relative to the division of Venango township, Crawford county.

705

372. An Act to authorize the State Treasurer to refund to John H. M'Ilheny the amount of excess of collateral inheritance tax paid by mistake to the Register of Allegheny county, relating to the Pittsburg and Braddock's Field Plank Road Company, to the Monongahela wharf in the city of Pittsburg, and to streets in the borough of South Pittsburg and Birmingham, Allegheny county, to the Citizens Insurance Company of the city of Pittsburg.

707

373. An Act providing for the survey of certain parts of the borough of Easton, and recording the same.

711

374. A Supplement to an act entitled "An Act more effectually to preserve the public grounds and public buildings of the Commonwealth," passed April tenth, A. D., one thousand eight hundred and forty-nine.

712

NO.	PAGE
375. An Act to annul the marriage contract between William Mead and Eliza his wife, to the uniformed militia of Perry and Luzerne counties, to the Cumberland Valley Railroad, to the sale of the real estate of John Berger, deceased, to lunatics and habitual drunkards, and to the Susquehanna Canal Company.	713
376. An Act to provide for the erection of a house for the employment and support of the poor in the county of Crawford.	715
377. An Act to incorporate the Friendship Fire Engine Company of Philadelphia, relative to water lines in the river Delaware, to laying gas pipes by the city of Philadelphia in the incorporated districts north of Vine street, relative to the collection of poor taxes in the city and county of Philadelphia, and to authorize Benjamin Orne, trustee, to sell and convey certain real estate.	720
378. An Act regulating the elections in the city and incorporated districts of the county of Philadelphia, to incorporate the Jefferson Railroad Company, relative to certain election districts in Montour county, to the continuance fees of prothonotaries in Bradford and Susquehanna counties, to road damages in Moyamensing, to the Germantown Water Company, to the Philadelphia police district, to the school district of Monongahela city, and to the half-pilotage law.	724
379. An Act for the relief of Lawrence Taliaferro, late treasurer of Bedford county, and incorporating Mount Pleasant College.	728
380. An Act to authorize the laying out of a State road from a point in a public road leading from Fredericksburg to the Big Dam, to another point in a public road leading from Fredericksburg to Pinegrove, incorporating the Evangelical Church in Myerstown, Lebanon county, and authorizing John Fortney to sell certain real estate, and relative to the records of the Orphans' Court of Lebanon county.	730

LAWS PASSED AT THE SESSION OF 1848.

419. An Act to incorporate the Presbyterian Church and Congregation of Plaingrove, in Mercer county.	743
9. Resolutions relative to a new county to be called "Forrest."	744

LAWS PASSED AT THE SESSION OF 1849.

467. An Act authorizing David Burger, of Blair county, to make sale of certain real estate.	745
468. An Act to incorporate the White Deer Bridge Company.	746
469. An Act to extend the charter of Honesdale Bank.	750
470. An Act to incorporate the Delaware and Cobb's Gap Railroad Company.	757

LAWS PASSED AT THE SESSION OF 1850.

Resolution relative to an amendment of the Constitution.	758
479. An Act to authorize Alexander S. Brewster and Ann B. Guernsey, administrators of the estate of Joseph W. Guernsey, deceased, to sell certain real estate, and relating to the Buck Mountain Coal Company.	761
480. An Act to authorize the Governor to incorporate the Wilkesbarre Water Company.	762
481. An Act for the sale of the real estate of William Sugden, deceased.	770

NO.	PAGE
482. An Act relative to the sale of certain real estate in Lycoming county.	771
483. An Act to incorporate Punxsutauney, in Young township, Jefferson county, into a borough.	772
484. An Act to incorporate the Pottsville Gas Company.	774
485. An Act to authorize the guardian of the minor children of John W. Thompson to sell certain real estate.	777
486. An Act to incorporate the borough of Media, in the county of Delaware, and relative to Carbon county.	778
487. An Act to legitimate George M'Bride, Rudolph Frederick Kelker, and Louisa F. Bennett.	790
488. An Act to incorporate the Pottsgrove Cemetery Company, and relative to convicts in the county of Potter.	791
489. An Act to incorporate Cedar Hill Cemetery Company of the county of Philadelphia.	793
490. An Act to incorporate the Bedford Hall Association of the borough and county of Bedford.	794
491. An Act to incorporate the Fort Necessity Washington Monument Association.	796
492. An Act to incorporate the Odd Fellows' Hall Association of Spring Garden, in the county of Philadelphia.	798
493. An Act to incorporate a company to erect a bridge over the Conemaugh river at the mill of James Clarke, in Indiana county, and to construct a turnpike road from the Pennsylvania railroad to the Huntingdon and Blairsville turnpike road, to prevent the hunting of deer with dogs in the county of Clearfield, and relative to bridges on the Juniata river.	799
494. An Act to incorporate Knoxville, in the county of Tioga, into a borough.	803
495. An Act erecting parts of Bedford county into a separate county, to be called "Fulton."	805
496. An Act to erect Covington, in Tioga county, into a borough, and relative to the appointment of commissioners to examine the transactions and conduct of the Bank of Susquehanna county.	811
497. An Act relating to the school fund of the township of Lehman, Luzerne county, and for confirming the sale of a tract of land in said township, relative to the United States Insurance Annuity and Trust Company, and to the common schools in Greene county, and for other purposes.	816
498. An Act to incorporate the First Baptist Church of Lewisburg, Union county, Pennsylvania, relative to railroads and canals in Mifflin county, to a certain lot of ground in Germantown township, Philadelphia county, and to road and bridge viewers in Cumberland county.	819
499. An Act to incorporate the Odd Fellows' Hall Association of Moyamensing, in the county of Philadelphia.	822
500. An Act to incorporate the Crystal Spring Hall Association, and to empower Anna Victoria Keller, one of the heirs of Emanuel Keller, deceased, to sell and convey a certain lot of ground in the borough of Mechanicsburg, Cumberland county.	823
501. An Act to incorporate the town of Summitville, in the county of Cambria, into a borough, to construe the first and third sections of the act to encourage manufacturing operations in this Commonwealth, and relative to the claim of Austin Thompson for damages.	825

NO.	PAGE
502. An Act to erect a part of upper Salford township, Montgomery county, into a separate school district, to be called "The old Goshenhoppen school district," to incorporate the Susquehanna and Union Bridge Company, relative to certain election districts in the counties of Mercer, Clearfield, and Washington, to certain school districts in the counties of Columbia and Chester, and to the appointment of an additional commissioner to settle the affairs of the Lehigh County Bank.	827
503. An Act to incorporate the Girard Avenue Schuylkill Bridge Company over the river Schuylkill, at the foot of said avenue.	830
504. An Act to incorporate the Evangelical Lutheran Congregation of the borough of Lewistown and its vicinity, and relative to a certain enrolment tax.	835
505. An Act extending the charter of the York Bank.	839
506. An Act to authorize the corporate authorities of the borough of Wrightsville to subscribe to the Wrightsville and New Holland Turnpike Road Company an amount of stock not to exceed forty shares, and to incorporate the Little Beaver Bridge Company.	839
507. An Act erecting the village of Strattanville into a borough.	843
508. An Act to re-charter the Lebanon Bank, in the county of Lebanon.	847
509. An Act extending the charter of the Wyoming Bank at Wilkesbarre in the county of Luzerne.	848
510. An Act to extend the charter of the Exchange Bank of Pittsburg.	849
511. An Act to incorporate the Franklin County Mutual Insurance Company.	849
512. An Act to extend the charter of the Bank of Pittsburg.	852
513. An Act to incorporate the president and managers of the Clarion and Allegheny Turnpike Road Company, supplementary to the act regulating turnpike and plank road companies, and to annul the marriage contract between Jonathan Race and Jane his wife, relative to the Frankford and Bristol Turnpike Road Company, the trustees of Ephraim Clark, repealing the thirty-sixth section of act granting certain authorities to the cities of Lancaster and Philadelphia, changing the name of Mary Anna Hindman, relative to ward elections in Moyamensing, legitimizing the daughter of Daniel Brubaker, and the Philadelphia society for the support of charity schools.	853
514. An Act to incorporate the American Primitive Methodist Church of Bloomsburg, Columbia county, relative to the militia of Montour county, to the Danville and Pottsville Railroad Company, to holding elections in Spring Garden and Moyamensing, and authorizing John R. Vogdes, guardian, to sell certain real estate.	855
515. An Act to incorporate the Stout's Ferry Bridge Company, in the county of Berks, relative to the Philadelphia Police district, to wharf lines on the river Delaware, to school directors in the district of Kensington, and to toll-houses in Philadelphia county.	858
516. An Act to incorporate the Hempfield Railroad Company.	862

LAWS PASSED AT THE SESSION OF 1851.

381. An Act to incorporate the Lafayette Railroad Company, and relative to Gray's Ferry road in the county of Philadelphia, to reduce the shares of stock in the Bellefonte, Aaronsburg, and Youngmanstown Turnpike Company, relative to the Farmers Hay and Straw Market Association in Philadelphia, to an election district in Westmoreland county, to authorize the

NO.

PAGE

commissioners of Philadelphia county to borrow money, relative to the appointment of a trustee for Elizabeth Hoge, to authorize George W. Linville, trustee of James and Alexander Lee, to sell certain real estate, conferring on the Court of Common Pleas of Schuylkill county chancery powers and jurisdiction, to authorize the fixing of a county line between the counties of Luzerne and Carbon, relative to mortgages and assigns of mortgages, and providing for the appointment of road viewers in the county of Northumberland, and relative to the repeal of a section in reference to bridges in Lehigh county.

868

382. An Act relating to the sale and conveyance of and confirmation of the title to certain real estate, incorporating the Central Coal Company, and authorizing the opening of Marion Avenue, in the county of Philadelphia.

872

383. An Act to incorporate the Odd Fellows' Mutual Insurance Company.

879

384. A Supplement to an act to incorporate the Congregation of Saint Vincent de Paul, in West Philadelphia.

882

RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FIFTY-ONE.

1. Resolutions relative to granting a portion of the public lands to soldiers and sailors who served in the war of 1812, and soldiers of the Indian wars. 733
2. Resolutions relative to the Public Piers at Chester. 734
3. Resolutions to procure the distribution of the reports of the decisions of the Supreme Court of the United States. 735
4. Resolutions relative to the establishment of a line of mail steamers between San Francisco and China, and Philadelphia, Norfolk, and Europe. 735
5. Resolution for the relief of Thomas C. Hambly. 736
6. Resolution relative to the claims of John Rhey. 737
7. Resolutions relative to the granting of additional bounty lands to certain officers and soldiers of the war of eighteen hundred and twelve. 737
8. Resolutions of thanks to the Honorable Daniel Webster, for his vindication of the principles of the government of the United States, in his letter to Chevalier Hulseman. 738
9. Resolutions authorizing the State Treasurer to defray certain expenses incurred in the investigation of the affairs of the Delaware and Hudson Canal Company. 739
10. Resolutions relative to the pay and mileage of the Revenue Commissioners. 739
11. Resolutions giving the assent of this Commonwealth to the purchase of ground in the city of Pittsburg, by the United States, for the erection of public buildings, and releasing the same from all taxes. 740
12. Resolutions relative to the death of General Zachary Taylor, late President of the United States. 741
13. Resolution for the relief of Sherman Bills, of Indiana county, relating to the town of Minersville, in Schuylkill county, incorporating the borough of Shelocta, in the county of Indiana. 741

L A W S
OF THE
COMMONWEALTH OF PENNSYLVANIA.

No. 1.

A FURTHER SUPPLEMENT

To an act to incorporate a company for erecting a bridge over the river Susquehanna, at the town of Danville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the company for erecting a bridge over the river Susquehanna, at the town of Danville, are hereby authorized to borrow or obtain on loan, such sums of money and on such terms as they may deem expedient for the use of the said company, not exceeding the sum of six thousand dollars, and to issue certificates of loan therefor, in sums not less than one hundred dollars, and to pledge and mortgage all or any part of the estates, tolls, bridge improvements, privileges, effects, and assets, whatsoever of the said company, for the repayment of such sums so borrowed, at such times as may be agreed upon.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 2.

A SUPPLEMENT

To an act entitled "An Act to erect the town of Dillsburg, in York county, and the village of McVeytown, in Mifflin county, into boroughs, and the supplements to the acts erecting York and Harrisburg into boroughs."

Certain act relative to the borough of York amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourteenth section of the act approved the ninth day of April, A. D., one thousand eight hundred and thirty-three, entitled "An Act to erect the town of Dillsburg, in York county, and the village of McVeytown, in Mifflin county, into boroughs, and supplements to the acts erecting York and Harrisburg into boroughs," shall be so amended as to strike out the word "three," and insert the word seven in lieu thereof, and that portion of the act referred to which is inconsistent with this act, is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-third day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 3.

AN ACT

To authorize the Philadelphia College of Medicine to borrow money.

Philadelphia College of Medicine authorized to borrow money.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporators of the Philadelphia College of Medicine be, and they are hereby authorized to raise by loan or otherwise, a sum not exceeding eighty thousand dollars, and to expend the same in the purchase of a lot or lots of ground in the city of Philadelphia, and the erection thereon of a suitable building or buildings, for the accommodation of the college: *Provided,* That the corporate property of said college shall be liable

for the payment of any loan or debts contracted in the purchase of said lot or lots, and the erection of said buildings with the interest thereon.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-third day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 4.

A SUPPLEMENT

To the act entitled "An Act to incorporate the Williamsport Bridge Company, in the county of Lycoming, and for other purposes," passed the third day of June, one thousand eight hundred and forty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Williamsport Bridge Company, in the county of Lycoming, shall keep a just and true account of all moneys received by the several collectors of tolls for crossing the said bridge, and after deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the repairing and re-building of the said bridge, shall semi-annually declare a dividend of the profits and income thereof among all the stockholders, and shall give notice of the time and place, when, and where the same will be paid, and shall cause the same to be paid accordingly. Dividends.

SECTION 2. That the eighth section of the act to which this is a supplement be, and the same is hereby repealed. Repeal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-third day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 5.

AN ACT

Authorizing Frederick Smith to collect the balance of school tax in Hopewell township, York county, in one thousand eight hundred and forty-six.

Preamble.

WHEREAS, The school directors of Hopewell township, York county, did, agreeably to the then existing laws of the State, assess a tax for school purposes in May, one thousand eight hundred and forty-six, and in June following issued their warrant to Washington Meads, of said township, for collection :

And whereas, Said Washington Meads volunteered his services in the Mexican war, and left said township in March, one thousand eight hundred and forty-seven, and died at Tampico in August following, having appointed an agent to collect the balance of said tax :

And whereas, Two years elapsed, leaving a considerable amount uncollected, and the original warrant having expired by its own limitation, it is advised by the superintendent to have an act passed to authorize and empower some fit person to collect said balance ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the school directors of Hopewell common school district, in York county, be, and they are hereby authorized to issue their warrant to Frederick Smith, or some other person, authorizing the collection of the balance of school tax unpaid on the duplicate of one thousand eight hundred and forty-six, which warrant shall have the same force and effect as the original warrant had when issued.

Certain school tax in Hopewell school district, York county, authorized to be collected.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-third day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 6.

AN ACT

To authorize the Sheriff of Allegheny county to sell certain real estate, and to secure money on bond and mortgage.

WHEREAS, James C. M'Cully, late of Upper Saint Clair township, Allegheny county, died intestate and without issue, owning certain real

estate which is incumbered by certain judgments, upon which said real estate has been levied upon and is about being sold to pay debts:

And whereas, All the parties interested as heirs-at-law of the said deceased, have united in a memorial to this Legislature, praying that the proceeds of said real estate beyond what is required to pay debts, should be secured by bond and mortgage, and remain chargeable upon said real estate until the death of Thomas McCully the father, and Mary McCully the widow, of the said decedent;

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the sheriff of Allegheny county, in the sale of the said real estate of James McCully, deceased, is authorized to sell the same in such manner that all the proceeds beyond the amount required to pay the debts, shall be secured by bond and mortgage upon the said real estate, the interest payable semi-annually to the father and widow of said decedent, respectively, and the principal to be paid, one-half on the death of the said father, and the other half on the death of said widow, to the persons who may be entitled thereto under the intestate laws of this Commonwealth.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-third day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 7.

AN ACT

Authorizing the Governor to incorporate the Columbus and State Line Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Judson, Williard Murry, Henry Stevens, Elijah Hill, Porter Damon, George W. Humphrey, Horatio Crosby, and Erastus Pearce, or a majority of them, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style, and title of "The Columbus and State Line Plank Road Company," with power to construct a plank road from the village of Columbus, in the county of Warren, to the New York State Line, so as to intersect the Westfield and Clymer Plank Road by the nearest and best route, as the stockholders may determine, subject to all the provisions and restrictions of an act regulating turnpike and plank road Commissions.
Style.
Subject to provisions of certain act.

companies, passed the twenty-sixth day of January one thousand eight hundred and forty-nine, and the supplements thereto.

Capital stock.
Proviso.

SECTION 2. That the capital of said company shall consist of three hundred shares, at twenty-five dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

Commencement
and completion
of road.

SECTION 3. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 8.

AN ACT

To authorize the justices of the peace elected for Marion township, in Greene county, to hold their offices within the borough of Waynesburg, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the justices of the peace elected for the township of Marion, in the county of Greene, to hold their offices within the borough of Waynesburg, in said county, and their official acts shall be good and valid as if done or performed within the limits of their proper township, and it shall also be lawful for the said justices of the peace, elected for said township, to accept their commissions respectively, now lying in the proper office of said county, on complying with the requirements of the law, although more than six months have elapsed since the date thereof.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 9.

AN ACT

To amend an act entitled "An Act to incorporate the president and managers of the Bald Eagle Plank Road Company, and providing for the appointment of trustees of the Union Meeting House, in Centre county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first section of the act of Assembly incorporating the Bald Eagle Plank Road Company, shall be so amended as to authorize and empower the said company to construct a plank road, commencing at Milesburg, in Centre county, and thence up the Bald Eagle Creek, by the most practical route, to a point on the Central Railroad at or near Tyrone works. Additional powers granted to the Bald Eagle Plank Road Company.

SECTION 2. That the supervisors of Snyder township, in Blair county, and Taylor, Worth, Houston, Union, and Boggs townships, in Centre county, and town council of the borough of Milesburg, in Centre county, may subscribe to the capital stock of the Bald Eagle Plank Road Company: *Provided,* A majority of the qualified voters of said townships and borough shall so decide at the ensuing spring election, or at a special election called after the passage of this act, for that purpose, for which twenty days' notice shall be given by at least six advertisements, put up by the constables of the townships and borough aforesaid, in the most public places in said townships and borough. Certain townships in Blair and Centre counties authorized to subscribe to the capital stock of said company.

SECTION 3. That on the death, resignation, or removal of any of the trustees of the Union Meeting House, in the town of Unionville, in the county of Centre, the court of Common Pleas of Centre county be, and are hereby authorized to appoint a trustee in his place and room, which trustee, so appointed, shall enjoy all the powers his co-trustees have in the premises. Union meeting-house of Centre county, relative to trustees of.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 10.

AN ACT

Authorizing Jacob Huber, committee of Samuel Huber, Jr., of Lancaster county, a lunatic, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Jacob Huber, committee of Samuel Huber, Jr., of Lancaster county, a lunatic, be, and he is hereby authorized to sell at private or public sale, all the right, title, and interest of the said lunatic, in a certain lot, with the improvements thereon, containing one acre and seventy-nine perches, situate in West Earl township, in said county, and to execute a title to the purchaser thereof, in fee simple: Provided, That before this act shall become operative, the said Jacob Huber, committee, shall give security, to be approved by the court of Common Pleas of said county, for the faithful application of the proceeds according to law: And provided further, That the said court shall approve of said sale.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 11.

AN ACT

To authorize the trustees under the will of John Baptist Dumoutet, deceased, to sell and dispose of certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the trustee for the time being, under the will of John Baptist Dumoutet, dated the twenty-fifth day of May, A. D., one thousand eight hundred and, thirteen be, and he is hereby authorized and empowered on the request of Mrs. Emma McCauley, the present equitable tenant for life of the real estate mentioned in the said will, which request shall be*

testified by her joining in the execution of the necessary conveyances and other instruments, to sell and dispose of either at public or private sale, and either absolutely or upon ground rent, or by way of mortgage, all, or any part of the real estate devised by the said will to William Y. Birch, his heirs and assigns, in trust for his daughters Jane Dumoutet, Emma Dumoutet, and Amelia Dumoutet, and each of them as therein mentioned, and to execute, acknowledge, and deliver, all proper and necessary deeds and other instruments, for assuring the same to the purchaser or mortgagee, as the case may be, free and clear from all and every the trusts in the said will, and without liability on the part of such purchaser or mortgagee to look to the application of the money: *Provided*, That all ground rents which may be reserved upon such conveyances, shall be limited upon the same trusts as are declared in the said will, and with the powers hereby given, and may be made redeemable upon the terms and within the time usual in such conveyances in the city and county of Philadelphia: *And provided further*, That before any absolute sale or mortgage under the power given by this act, the trustee shall give security, to be approved of by the court of Common Pleas for the city and county of Philadelphia, for the faithful investment of the proceeds in the case of an absolute sale upon the trusts declared in the will, and in the case of a mortgage for the faithful application of the money, borrowed to the improvement and repair of the trust estate, or of some part thereof: *And provided further*, That in case of a sale on ground rent, the trustee, before receiving the principal or redemption money, shall give security as aforesaid, for the faithful investment of the same upon the trusts declared in the said will: *And provided further*, That the said court shall approve of the sale, mortgage, or other disposition of said real estate.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 12.

AN ACT

To authorize the Second Associate Presbyterian Congregation of Philadelphia, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the trustees of the Second Associate Presbyterian Congregation of Philadelphia, are hereby authorized, and empowered to sell, grant, and

convey, and to make and execute a good and sufficient conveyance and assurance in law to the purchaser or purchasers thereof, all the right, title, interest, and estate of said trustees and congregation, in a lot of ground with the church erected thereon, situate on the east side of Franklin street (formerly Lawrence street), at the distance of ninety-eight feet one and one-quarter inches northward from the north side of Green street, containing in front on said Franklin street, fifty-two feet, and extending in depth eastward on the south line, one hundred and four feet seven and one-half inches, and on the north line, ninety-nine feet and four inches in the district of Spring Garden, in the county of Philadelphia, and the proceeds of said sale, shall be for the use of said Second Associate Presbyterian Congregation.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 13.

AN ACT

To enable the executors of Samuel M'Lain, late of Tod township, Huntingdon county, to sell and convey a part of the real estate of said deceased.

Preamble.

WHEREAS, Samuel M'Lain, late of Tod township, in the county of Huntingdon, and State of Pennsylvania, deceased, was in his lifetime seised of a tract of land situated in the township and county aforesaid, having thereon erected two dwelling houses, a barn, and an old grist mill, known as M'Lain's old mill, and on which tract the said deceased lived and died, and being so seised the said Samuel M'Lain died, having first made his will which was duly proved after his death, whereby he directed that his wife, Mary M'Lain, should have the one-third of the afore-mentioned mansion place, or farm, with the privilege of one of the houses to herself, and twenty bushels of wheat, yearly, from the mill; that at, and after the death of his said wife Mary, the said mansion place with the mill and all the personal property thereunto belonging, should be appraised and sold and equally divided among his eleven children, to wit: John, James, Azariah, Rachel, William, Isaac, Joseph, Mary, Sophia, and Susannah and Sarah Keith, share and share alike, two of whom, to wit, John and Azariah, have sold and released their interests and shares to Isaac Cook, and two of

whom, to wit, Sophia and Susannah, have died unmarried and without heirs:

And whereas, The old grist mill afore-mentioned, which is located on one corner of the said mansion place, has fallen into such a state of delapidation and decay, and has become so old and worn-out that it has been almost abandoned, and yields neither toll nor rent, much less the twenty bushels of wheat given thereout, yearly, by the testator to his widow, as afore-mentioned; that while the said old mill is worthless, the water power and site are valuable, if improved, there being no other grist mill in the vicinity and no good place to build one near this, the convenience and interest of the neighbourhood, as well as the interest of the widow and heirs of said Samuel M'Lain, deceased, requiring that a new mill be erected in the place and stead of this old one:

And whereas, A lot of twenty-two acres of land has been recently, at the instance of said widow and heirs, surveyed and laid off from the said mansion farm adjacent to and embracing the said old mill and water power and privileges, as a suitable and necessary premises and curtilage for the same, without in the least injuring the shape, size, condition, or value of the said mansion farm, as a farm:

And whereas, The widow, who is still living, and the heirs of the said Samuel M'Lain, deceased, are desirous that the afore-mentioned old mill and lot of twenty-two acres of land adjacent thereto, as afore-described, should be sold, believing as they do that the interest of the community, as well as their own interest, would be thereby materially promoted; therefore,

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said James M'Lain and William M'Lain, executors of Samuel M'Lain, deceased, as aforesaid, to sell and convey the said old grist mill and the lot of twenty-two acres of land, as surveyed and laid off by Samuel Caldwell, late deputy surveyor of Huntingdon county, adjacent and appurtenant to the said mill, with the water power and privileges on the same as afore-mentioned, at public sale, for the best price that can be obtained for the same, and make a good and sufficient deed or deeds of conveyance, vesting in the purchaser or purchasers thereof as good a title as was vested in the said Samuel M'Lain at his death, or in his widow or heirs since; the one-third of the proceeds of such sale to remain in the said mill and lot of twenty-two acres of land, and to be a lien on the same in the hands of the purchaser during the natural life of the said widow Mary M'Lain, the purchaser to pay the interest on such third annually and regularly to the said widow, and the principal at her death to be paid to the children or their legal representatives of the said Samuel M'Lain, deceased, by the said purchaser; the other two-thirds of the proceeds of such sale to be paid by the purchaser in two equal annual payments to the said children of the said Samuel M'Lain, deceased, or their legal representatives: *Provided, however,* That before such sale be made, the said executors of Samuel M'Lain, deceased, shall give bond in such sum and with such surety as shall be approved by the Orphans' Court of Huntingdon county, or by the resident judge of said court; if the said court should not be in session when such bond is presented for the faithful application of the proceeds of such sale, which bond shall be taken to the Commonwealth and filed in the Orphans' Court of Huntingdon county, and shall be for the use of all persons interested in the estate of the said Samuel M'Lain, deceased: *And provided further,*

Executors of Samuel M'Lain, deceased, authorized to convey certain real estate.

Proviso.

That said sale shall be approved by the Orphans' Court of Huntingdon county.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eight day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 14.

AN ACT

To change the place of holding elections in Allegheny township, Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the qualified voters of the township of Allegheny, Blair county, shall hereafter hold their general and township elections at the public school house, in the town of Duncansville, in said township.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 15.

AN ACT

Authorizing the trustees under the will of David Bacon, deceased, to sell certain real estate.

Preamble.

WHEREAS, David Bacon, being seised in fee of the following lot or piece of ground, situate on the west side of Delaware Front street, above Vine street, in the Northern Liberties, and county of Philadel-

phia, beginning at the distance of one hundred and ten feet five inches northward from the northwest corner of the said Front and Vine streets aforesaid, thence extending in depth one hundred and forty-three feet eight inches westward, thence southward seventeen feet seven inches, thence extending eastward sixty-five feet, thence northward one foot eight inches and a-half, thence eastward seventy-seven feet six inches to Front street aforesaid, thence by the said Front street fifteen feet ten inches and a-half to the place of beginning; also six ground rents of thirty-six dollars per annum each, payable yearly, issuing out of all those six certain lots or pieces of ground marked in the plan of John A. Elkinton, lots numbers seven, eight, eleven, twelve, thirteen, and fourteen, to wit: number seven situated on the east side of Delaware Second street continued at the distance of two hundred and thirty-four feet ten inches and a-half northward from the northerly side of Elm street, in the district of Kensington, and county of Philadelphia; number eight, at the distance of two hundred and fifty-two feet ten inches and a-half; number eleven, at the distance of three hundred and six feet ten inches and a-half; number twelve, at the distance of three hundred and twenty-four feet ten inches and a-half; number thirteen, at the distance of three hundred and forty-two feet ten inches and a-half, and number fourteen, at the distance of three hundred and sixty feet ten inches and a-half; the distances all commencing northward from the northerly side of Elm street as aforesaid: also, one ground rent of one hundred and forty-four dollars per annum, payable half yearly, issuing out of all those certain lots or pieces of ground situate on southeasterly side of a fifty-foot wide street called Bedford street, opened or to be opened between Queen and Prince streets, in the district of Kensington, and county of Philadelphia, at the distance of one hundred and thirty feet four inches and one-quarter of an inch southwardly from the original line of Cherry street, containing in front or breadth on the said Bedford street sixty feet, and in depth forty-three feet ten inches, more or less, and the other lot or piece of ground situated on the northwesterly side of Bedford street aforesaid, at the distance of one hundred and thirty feet four inches and one-quarter of an inch southwesterly from the said original line of Cherry street, containing in front or in breadth on the said Bedford street sixty feet, and in depth fifty feet, more or less: also two ground rents, one of seventy eight dollars per annum, payable half yearly, issuing out of a certain lot or piece of ground situate on the south side of a certain twenty-six feet wide court laid out at the distance of one hundred and forty-eight feet southward from Walnut street, between Delaware Fourth and Fifth streets, in the city of Philadelphia; which court communicates with a certain eight-feet wide alley leading northward therefrom into the said Walnut street, containing in breadth on the court twenty-five feet six inches, and in depth forty-six feet; the other ground rent of twenty-two dollars per annum, payable half yearly, issuing out of a lot or piece of ground adjoining the above to the westward, containing in breadth on the said court about twenty-two feet, and in depth about twelve feet, more or less; and on the third day of the ninth month, A. D., 1846, make his last will and testament, proved on the eighteenth day of the same month, and registered at Philadelphia, wherein and whereby he devised three sixths parts of all the rest and residue of his estate, real and personal unto his three sons, Joseph, Charles W., and Edward P. Bacon, and the survivors of them, and heirs and assigns of such survivors, in trust for his three daughters, Susan P., wife of Joseph L. Hancock, Anna, since intermarried with Mitchell Watson, and Mary Bacon as therein mentioned, and by his said will the testator gave no authority or power to sell or dispose of

any of his real estate until after the death of his wife, and the lot or piece of ground first mentioned having the buildings erected thereon burned by the late disastrous fire in the seventh month last, and the ground rents being unimproved and a heavy charge upon the estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Trustees under the will of David Bacon, deceased, authorized to sell certain real estate.

Joseph, Charles W., and Edmund P. Bacon, trustees named in the said last will and testament of David Bacon, deceased, are hereby authorized and empowered to sell at public or private sale the lot first mentioned, and all or any of the said yearly ground rents, for the best price that can reasonably be obtained for the same, and upon such sale to make and execute good and sufficient deed or deeds to the purchaser or purchasers thereof, to his, her, or their heirs and assigns forever, freed, clear, and discharged from all trusts whatsoever, and without any liability on the part of such purchaser or purchasers to look to the application of the purchase money: *Provided*, That before such sale or sales shall be effected, said trustees shall give good and sufficient securities, to be approved by the Orphan's Court of said county, for the proper application of the purchase money: *And provided also*, That said court shall approve of such sale or sales.

Proviso.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 16.

AN ACT

Extending the limits of the borough of Coudersport.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the limits of the borough of Coudersport, in the county of Potter, be extended so as to include the territory embraced in the following boundaries, to wit: beginning at a post the north-east corner of a lot of land, deeded by John Keating and company to the trustees of the Coudersport Academy, known as the academy lot, being immediately west of the present plot of said borough, thence north one hundred and seventy-two perches to a corner, thence east three hundred and twenty perches to a corner, thence south five hundred and seventy-two perches to a

corner, thence west three hundred and twenty perches to a corner, thence north four hundred perches to the place of beginning.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 17.

AN ACT

Authorizing Andrew H. Embich, executor of the last will and testament of Israel Embich, deceased, to sell certain real estate.

WHEREAS, There is a certain lot or tract of land belonging to the estate of Israel Embich, late of the borough and county of Lebanon, deceased, situate in the township of South Lebanon in said county, adjoining lands of the Moravian congregation, and others containing seven acres more or less, which is in some measure unproductive.

And whereas, The Orphans Court has no jurisdiction in the matter: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Andrew H. Embich, executor of the last will and testament of the said Israel Embich, deceased, be, and he is hereby authorized to sell the said lot or tract of land at public or private sale, and to convey the same to the purchaser thereof, in fee simple, and to re-invest the proceeds of such sale in other real estate situate in the said county of Lebanon, as he shall think eligible and proper for the same uses and purposes as specified in the last will and testament of the said Israel Embich, deceased: *Provided,* That the said Andrew H. Embich, executor as aforesaid, shall report such sale to the Orphans' Court of said county, for approval and confirmation, and such sale shall not be confirmed by said court until the said Andrew H. Embich shall have filed a bond in double the amount of the proceeds of such sale, with one or more sufficient sureties to be approved by the court, conditioned for the faithful application of such proceeds of sale.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 18.

A FURTHER SUPPLEMENT

To an act to incorporate certain trusts, under the title of the Pequa Railroad and Improvement Company, passed the twelfth day of March, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Pequa Railroad and Improvement Company is hereby authorized to convey to the Dauphin and Susquehanna Coal Company, to which is hereby granted all the rights, powers, privileges, and franchises, conferred on the said Pequa Railroad and Improvement Company by its act of incorporation, and the several supplements thereto, together with all the property and effects belonging to the said Pequa Railroad and Improvement Company: *Provided, That* the said Dauphin and Susquehanna Coal Company, shall assume all the debts and be subject to all the liabilities of the said Pequa Railroad and Improvement Company: *And provided also, That* this act shall not take effect until the same shall have been accepted by each of said companies, at meetings of the stockholders to be called for that purpose.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 19.

AN ACT

To incorporate the Montrose and Harford Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners, Henry Drinker, Isaac L. Post, F. B. Streeter, Davis D. Warner, Wil-

liam J. Mulford, Levi B. Gurnsey, Benjamin S. Bentley, Benjamin R. Lyons, Leonard Searle, Javan B. Salisbury, Samuel Sayre, Jacob Tyler, and Saxa Seymour, of Susquehanna county, or any six of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of "The Montrose and Harford Plank Road Company," with Style. power to construct a plank road from, at, or near the court house in the borough of Montrose, by the nearest and best route to the Legget's Gap railroad, in the valley of Martin creek, and from said railroad to the village of Harford, in the county of Susquehanna, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, A. D., one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of greater width than four inches; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section and the provisions of the supplement to said act, passed the seventeenth day of April, A. D., one thousand eight hundred and forty-nine, without reference to the width of wheels in any case.

SECTION 2. The capital stock of said company shall consist of one thousand shares of twenty-five dollars each, and by a vote of the stockholders, at a meeting called for the purpose, may be increased to two thousand shares, if the same shall be deemed necessary to carry into effect the true intent and meaning of this act.

SECTION 3. Any person who shall wilfully injure or throw down any gate which shall have been erected on said road pursuant to the provisions of this act, or dig up or wilfully injure or spoil any part of such road, or anything thereunto belonging, shall for every such offence, forfeit to the corporation hereby created, the sum of ten dollars, to be recovered by the said corporation with costs of suit, as debts of like amount are by law recoverable; and the said corporation, in addition thereto, may recover by action of trespass for any damages actually done to the road.

SECTION 4. That the viewers provided for in case of damages by the acts heretofore referred to, in assessing damages, shall take into account the advantages of said road to the lands upon which damages are claimed, as well as the disadvantages; and if said road shall be located upon the route of any public laid-out highway, upon which releases have been given by the owners of the land, or upon which damages have been assessed by viewers, under an order of the Court of Quarter Sessions, then, and in either of those cases, the said corporation shall not be required to pay damages to such owners of land; *Provided*, That if the damages so assessed by viewers shall not have been paid by the county prior to the passage of this act, then the same shall be paid by the said corporation.

SECTION 5. That if said corporation shall not commence the construction of said road within two years from the passage of this act, and complete the same to the said railroad within six years thereafter, this act shall be null and void, except so far as the same shall be necessary to wind up the affairs and pay the debts of the company; *Provided*, That whenever two or more miles of said road shall be completed and approved of, as is provided by the said general act and the

supplements thereto, the said corporation should be authorized to take toll therefor.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 20.

AN ACT

Relative to the estate of John Struthers, of the city of Philadelphia.

WHEREAS, John Struthers, of the city of Philadelphia, has been duly declared a lunatic, and it is believed that it would be greatly for the interest of his estate that parts of his real estate should from time to time be mortgaged or sold; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present committee of the estate of the said John Struthers be, and the said committee is hereby authorized and empowered, from time to time, to mortgage or to sell upon ground rent or otherwise, at public or private sale, and duly convey any part or parts of the real estate of John Struthers, wheresoever the same be situate, when, and from time to time, as the said committee shall believe the same to be to the advantage of the said estate: *Provided,* That before making such mortgage, or conveyance by sale, the same shall be approved of by the Court of Common Pleas of Philadelphia county; *And provided also,* That the said committee, before making said mortgage or conveyance aforesaid, shall give security to be approved by said court, in a sum double the value of the property sold and money raised on mortgage, as the case may be, conditioned for the proper appropriation of the same.

Committee of
John Struthers
authorized to
sell certain real
estate.

Proviso.

Proviso.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 21.

A N A C T

To legalize a certain temporary loan made by the Commissioners of Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of any temporary loan made by the Commissioners of Allegheny county, during the year one thousand eight hundred and fifty, as may have exceeded the sum of seventy-five thousand dollars, authorized by the act of Assembly of this Commonwealth, approved on the eighth day of January, one thousand eight hundred and fifty, shall be deemed, considered, and taken to be as valid and legal as if the same had been expressly authorized by the said last-mentioned act; and the certificates of loan for the said excess shall be exempt from all taxes except for State purposes: Provided, That the said excess be not more than twenty-five thousand dollars.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 22.

A N A C T

Authorizing the Commissioners of Schuylkill county to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the county Commissioners for the county of Schuylkill be, and they are hereby authorized and empowered to grant, bargain, and sell unto Francis W. Hughes, and Samuel Sillyman, their heirs and assigns, in fee simple, for the consideration of six thousand dollars, all the right, title, and interest of said county of Schuylkill in, and to a certain square of ground, situate on Market street, in the borough of Potts-*

ville, being all the lots conveyed to said county by Andrew Russell, by deed, dated the twenty-eighth day of June, A. D., one thousand eight hundred and fifty.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 23.

A N A C T

To authorize Samuel Harvey, junior, trustee of Margaret Perkin, widow, Ann Raberg, and Julia G. Harvey, to sell and convey certain real estate.

Preamble.

WHEREAS, The Orphans' Court of Philadelphia county, on the sixth day of September, Anno Domini, one thousand eight hundred and fifty, appointed Samuel Harvey, junior, a trustee in the room of William Heiss, senior, deceased, who in his life time held the real estate hereinafter described, granted to him by John Goodman, and John Barclay, surviving executors of the last will and testament of George Goddard, late of the Northern Liberties, in the county of Philadelphia, gentleman, deceased, by deed, dated the first day of October, Anno Domini, one thousand eight hundred and thirty-nine, for Margaret Perkin, widow, Ann Raberg, and Julia G. Harvey, children of the said George Goddard, deceased, upon the trusts, limitations, and conditions, and for the uses and purposes as contained and set forth in the said last will and testament of the said George Goddard, dated the sixth day of August, Anno Domini, one thousand eight hundred and twenty-five, and after his death duly proved, and remains on file in the Register's office at Philadelphia, for the county of Philadelphia, as by a reference to the proceedings in said Orphans' Court, deed and will at large appear :

And whereas, At the great fire in the Northern Liberties of the city of Philadelphia, on the ninth day of July, Anno Domini, one thousand eight hundred and fifty, all the buildings and improvements on the said lot of ground were wholly destroyed, whereby the premises have been and now are vacant and unproductive, yielding no income to pay the ground rent charged thereon, and the taxes, and it is represented that there are no trust funds to rebuild and improve them, so that the cestuis que use are deprived of all income from the premises ; and that it will be to the interest of all parties concerned that the said lot or piece of ground, as hereinafter described, should be sold, and the trustees having no authority under the trust to sell ; therefore, for the remedy thereof :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Harvey, junior, trustee of Margaret Perkin, widow, Ann Ra-* Trustee under the will of Geo. Goddard, deceased, authorized to sell certain real estate.
*berg, and Julia G. Harvey, under the last will and testament of George Goddard, late of the Northern Liberties, in the county of Philadelphia, gentleman, deceased, or such person as for the time being may be such trustee, be, and he is hereby authorized and empowered to sell and convey, in fee simple, all that certain lot or piece of ground situate on the east side of Delaware Second street, in the Northern Liberties of the city of Philadelphia, containing in front, on said Second street, thirty-four feet, and in length, or depth, ninety-eight feet; bounded northward by a certain twelve-feet wide alley, extending from the said Second street into Cable lane, which alley is forever to be left open for the use of the tenants and occupiers of the lots of ground adjoining the same; eastward, and southward, by ground now, or late of John Holme, and westward by Second street aforesaid, together with the free use and privilege of said alley, as particularly set forth in the said deed or conveyance from the said John Goodman and John Barclay, surviving executors of the said will of the said George Goddard, deceased, to the said William Heiss, senior; and under, and subject to the payment of the yearly ground rent, or sum of twenty English guineas, or so much current money of Pennsylvania as will be sufficient to purchase or procure twenty such guineas, by four even and equal quarterly payments, on the fourth day of August, November, February and May, in each and every year, unto Edward Duffield, his heirs or assigns, forever, either at public or private sale, or to dispose of the same on ground rent, in the usual manner and form that lots in the county of Philadelphia are let, and to convey the same by deed to the purchaser or purchasers thereof, in fee simple; the deed, if the ground be let on ground rent, to contain the covenant for building and payment of such rent, and for extinguishing the same by the said trustee, upon receipt of the principal sum or equivalent for such ground rent, and any arrears thereof upon the terms and conditions contained in such ground-rent deed: *Provided*, That the proceeds arising from the exercise of the said powers hereby given, if the same be ground rents, shall be held, or if the same be money, shall be re-invested in real estate, or otherwise, for, and upon the same uses and trusts, intents, and purposes, as are declared and set forth in the said last will and testament of the said George Goddard, deceased, in relation to his said children, the cestuis que trust, but that the purchaser or purchasers thereof, shall not be bound to see to the application of the money arising from such sale, or letting on ground rent, nor be in any way liable in respect to the execution or non-execution of the said trust: *And provided also*, That before the said trustee shall execute any deed or deeds for the same, the Orphans' Court of Philadelphia county shall approve of such sale, and the said trustee shall give bond, with such security as the said court shall direct, conditioned for the faithful application or re-investment of the proceeds thereof, for the uses and purposes mentioned in the said will.* Proviso.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred fifty-one.

WM. F. JOHNSTON.

No. 24.

AN ACT

To incorporate the Brownington and Perrysville Plank Road Company.

- SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Commissioners. Thomas H. Bracken, David Shannon, Alexander Hilands, Jonathan Ransom, Matthew F. White, Robert Hays, Cadwallader Baker, Robert Allen, Zephaniah Snyder, Joseph McIlwaine, Henry Buhl, James White, David Marshall, John Kirkpatrick, John Greer, Samuel Marshall, Alexander Graham, John A. Fletcher, Henry Wick, John Scott, John Crider, and William Stewart, of Butler and Allegheny counties, or any five of them, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of the "Brownington and Perrysville Plank Road Company," to locate and construct a plank road from Brownington, in the county of Butler, to Perrysville, in the county of Allegheny, subject to all the provisions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as they are not inconsistent with this and the following sections.
- Style. Location. Subject to provisions of certain act.
- Capital stock. Proviso. SECTION 2. The capital stock of the said company shall consist of eight hundred shares, at twenty-five dollars per share: *Provided*, The said company may, from time to time, at a meeting of the stockholders, called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road, according to the true intent and meaning of this act.
- Commencement and completion of road. SECTION 3. The said company may commence the construction of their road at any intermediate point: *Provided*, Such commencement shall be made within five years after the passage of this act; and should the said company fail to complete their road within ten years after the same shall have been commenced, then this act shall be null and void, except so far as shall become necessary to settle the affairs of the company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 25.

AN ACT

To authorize the Commissioners of Carbon county to borrow money, and conferring upon them other powers relating to said county.

WHEREAS, On the fifteenth day of July, one thousand eight hundred and forty-nine, the court-house, jail, and county offices of the county of Carbon, were destroyed by fire, and the commissioners of said county have, at a large expense, re-built the same, and that the expense being so great that it would be very burdensome to tax-payers of said county to be obliged to pay for the same in one or two years; and further, that the courts of said county have decreed that it is necessary to erect certain county bridges, which will still increase the taxes of said county; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Carbon county are hereby authorized to borrow any amount of money, on the credit of the county, not exceeding four thousand dollars.

Commissioners of Carbon county authorized to borrow money.

SECTION 2. That it shall be lawful for the county commissioners of Carbon county, for three years after the passage of this act, in contracting for the building of any county bridge or bridges, to contract for the payment of the same in bond or bonds, payable any time after date; said time not to be longer than five years: *Provided,* That no greater rate of interest than six per cent. per annum shall be paid upon any bonds issued by virtue of this act.

Further powers.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 26.

AN ACT

To incorporate the Elizabeth Turnpike and Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

- Commissioners.** Samuel Walker, John Patterson, James Wall, Col. James Scott, Daniel Sarver, Andrew McKinley, Uriah Applegate, John Power, John McDonough, C. F. Diehl, Samuel Frew, Doctor James Power, James Terence, Doctor John E. Shaffer, John Walker, junior, and John F. Richards, of Allegheny county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of "The Elizabeth Turnpike and Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from the borough of Elizabeth to Terrence's tavern in Elizabeth township, Allegheny county, by the best and most practicable route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. That the capital stock of said company shall consist of ten hundred shares, at ten dollars per share: *Provided*, That said company may from time to time, by a vote of a majority of the stockholders at meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.
- Commencement and completion of road.** SECTION 3. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, the first and second sections of this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 27.

AN ACT

Authorizing the committee of David Stoner to purchase real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Buckwalter and John Huber, committee of David Stoner, of Manheim township, Lancaster county, are hereby authorized to purchase for the use of the said David Stoner and his family, a house and three acres of land in Penn township, in said county of Lancaster, at a price not exceeding twelve hundred dollars, and hold the same in*

trust for the use of the said David Stoner and his family, during his lifetime: *Provided*, That the Court of Common Pleas of said county, before any such purchase is made, shall approve of the same.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 28.

AN ACT

To confirm the title to certain real estate in the borough of West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the thirtieth section of the Act of Assembly entitled "An Act annexing the county of Schuylkill to the Eastern District of the Supreme Court, and for other purposes," approved August second, one thousand eight hundred and forty-two, shall be construed to authorize any trustee or trustees of Louisa M. Duncan, duly appointed by the Court of Common Pleas of Philadelphia county to sell and convey any of the lots of the said Louisa M. Duncan, lying west of the river Schuylkill, in the said county, under and subject to the conditions and restrictions set forth in said section; and any conveyance of any of the said lots heretofore made by any trustee duly appointed as aforesaid, shall be valid and effectual in like manner as if the same had been made by Isaac Heylin, the trustee named in said section.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 29.

AN ACT

To incorporate the Philadelphia Insurance Company.

Corporators.

WHEREAS, Joseph Cowperthwait, William Martin, Gideon G. Westcott, Thomas S. Newlin, Joseph M. Thomas, Siter, Price & Co., James Martin, William D. Lewis, Edwin Coolidge, Charles Macalester, C. S. Boker, Nathaniel Waldron, Edmund A. Souder, John C. Davis, Charles R. Hawes, John B. Myers, Samuel Bispham, Bowlby & Brenner, Thayer & Cowperthwait, John Grigg, Hugh Elliott, J. B. Lippincott, Morris L. Hallowell, A. Hart, Charles Magarge, Hulings Cowperthwait, Joseph W. Cowan, Robert Lindsay, Presley Blakiston, Theophilus Paulding, Jacob M. Thomas, Wetherill & Brother, Daniel L. Miller, junior, Joseph Trotter, E. S. Whelen & Co., Joseph Swift, Charles Desilver, Charles Henry Fisher, Jacob Thomas, John Fagan, James Crissy, Isaac Lea, Frederick Brown, Thomas C. Hand, Arthur G. Coffin, John Hill, Martin William, A. Blanchard, Algernon S. Roberts, Samuel E. Stokes, E. C. & J. Biddle, Jason L. Fennimore, T. G. Hollingsworth, Marmaduke Moore, Robert F. Walsh, John M. Hildeburn, L. Johnson, Edward C. Markley, C. Sherman, T. K. & P. G. Collins, William W. Keen, Oliver Martin, Henry Lylburn, John S. McMullin, William M. Christy, William Goodrich, J. H. Butler, Caleb W. Hallowell, William W. Frazier, and William Martin, junior, have associated themselves together, and have subscribed for one thousand shares of stock, at one hundred dollars per share, for the purpose of making fire, marine, and inland insurances, and transacting the business connected therewith, and have applied to the Legislature for an act of incorporation for said purposes :

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the aforesaid persons, and those who may hereafter become associated with them, shall be known and styled "The Philadelphia Insurance Company," and by the same name have perpetual succession; and shall be able to sue and be sued, implead, and be impleaded, in all courts of record, and elsewhere, and to make and to have a common seal, and the same to break, alter, and renew at pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution or to the laws of the United States, or of this Commonwealth, and generally to do all and singular the matters which to them it shall lawfully appertain to do, for the well-being of the said corporation, and the due management and ordering of the affairs thereof.

Capital stock.

SECTION 2. That the capital stock of the Philadelphia Insurance Company shall consist of one thousand shares, of one hundred dollars each, subscribed for as aforesaid, to be paid in such instalments as the board of directors of said company may determine; which said capital may at any time hereafter be increased by them, not exceeding five thousand shares, of one hundred dollars each; and if any subscriber,

his or her assignee or transferee, shall refuse or neglect to pay the first, or any subsequent instalment called for and demanded by the directors, as aforesaid, such subscriber, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the discretion of the board. Forfeiture of stock.

SECTION 3. That the affairs of the company shall be managed by twelve directors—stockholders of the said corporation, who shall be elected annually, on the first Monday of January, between the hours of ten A. M. and two P. M.; and the directors so elected shall appoint a President and Vice President of the company, and such other officers and agents as they may deem necessary for conducting the business of the said corporation, who shall perform the duties of their respective offices until they shall be re-elected, removed from office, or their successors shall be chosen; the said directors shall allow the persons so appointed such compensation for their services, respectively, as they shall deem reasonable, and generally to exercise all other powers and authorities for the well governing and ordering of the affairs and funds of the said corporation, as this act confers or allows, or as hereafter may be conferred or allowed by the laws, regulations, and ordinances of the said corporation. In case of death or resignation of any director, the vacancy occasioned thereby shall be filled by the remaining directors. Election of directors.

SECTION 4. That at all elections for directors, the votes of the stockholders shall be by ballot, each share of stock having one vote, but no number of shares above fifty shall give any right to additional votes; no stockholder shall vote by proxy, nor shall any stockholder be entitled to vote unless the share or shares held by him or her, shall have been standing in his or her name on the books of the said corporation for three months previous to said election: *Provided*, That every stockholder, at the time of the first election of directors, shall have and enjoy the privilege of voting as aforesaid; and the first election of directors shall be held on the third Monday from and after the passage of this act, and the directors chosen at said election shall hold their offices until the first annual election, as herein provided for, and until new directors shall be chosen. Votes.

SECTION 5. That the Philadelphia Insurance Company shall be empowered to take risks against fire on all kinds of buildings, merchandize, and other property, either limited or perpetual, and further, to effect marine and inland insurances on vessels, cargoes, and freights, and on merchandize and other property transported on rivers, canals, lakes, and railroads, and by steamboats, wagons, or otherwise, and to execute such agreements, policies, and other instruments, as shall or may be necessary to effect the same. Risks.

SECTION 6. That it shall and may be lawful for the said company to employ and invest their capital stock and other moneys of said company, in bonds and mortgages on real estate, in respondentia bottomry, ground rents, stocks, or loans of the United States, and State of Pennsylvania, and in stocks or loans of any borough, city, or institution incorporated by the laws of this State, and in other good securities, and to sell and transfer the same, and to re-invest the proceeds of such sale or transfer in other such loans, stocks, or securities: *Provided*, That nothing in this act shall prevent said company from receiving, purchasing, or holding any real or personal property, stocks, or other securities, in payment of debts due them, or to secure the same in any manner that the interests of the said corporation may require, or to May invest capital stock, &c., on bonds, mortgage, &c.

Proviso.

purchase and hold such real estate as may be necessary to accommodate the said corporation in the transaction of the business thereof, and to sell, assign, and convey the same in fee simple, or otherwise: *And provided also*, That said corporation shall not exercise any banking privilege, or issue any certificate or other paper to be circulated as bank paper.

Proviso.

Stock transferable.

SECTION 7. That the shares of stock of the said corporation shall be assignable and transferable only on the books of the corporation, according to such rules and regulations as the directors shall for that purpose ordain and establish, and not otherwise.

Dividends.

SECTION 8. The directors shall, on the first Monday in November in each and every year, declare a dividend of so much of the profits of the corporation as to them shall appear advisable; and the dividends so declared shall be paid to the respective proprietors, agreeably to such rules and regulations as the directors shall make for that purpose, but the moneys received as premiums on risks, which shall be undetermined at the time of making such dividend, shall not be considered as a part of the profits of the corporation; and in case of any loss or losses whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

General balance sheet to be published.

SECTION 9. That within thirty days after the declaration of the dividend as aforesaid, the officers of the company shall cause to be made and published in two or more daily newspapers, published in the city or county of Philadelphia, a general balance sheet of the affairs of the said company, which shall contain:

I. The amount of premiums received during the previous year, specifying what amount for fire risks, and what amount for marine and inland risks.

II. The amount of expenses of company during the year.

III. The amount of losses incurred during the year—specifying what amount on fire and what amount on marine and inland risks.

IV. The balance remaining with the company.

V. The nature of the security on which the same is invested, specifying what amount is invested in real security, what in stocks, what amount in State or national loans, what amount in other securities, and what amount in cash on hand.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The seventh day of February, A.D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 30.

A SUPPLEMENT

To an act entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Huntingdon, and for other purposes," approved May sixth, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Morrison, John S. Issett, and A. K. Cornyn, be, and they are hereby appointed directors of a poor house in the county of Huntingdon, to do and perform the services required of directors, specified in the fourth section of the act to which this is a supplement, a majority of whom shall constitute a quorum for the transaction of business, and the said directors shall enter upon the duties of their office immediately after the passage of this act, and continue in office until after the next annual election, and until their successors are duly qualified without classification; and the said directors, as well as those hereafter elected, shall receive from the commissioners of Huntingdon county two dollars per day for their services, so long as they may be necessarily employed in the duties of their office.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The seventh day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 31.

AN ACT

Authorizing the trustees, under the will of George Roberts, deceased, to apply certain of their trust funds to the improvement of their trust estate.

WHEREAS, George Roberts, late of the city of Philadelphia, by his Preamble, last will and testament, with the codicil thereto annexed, bearing date respectively the twentieth day of January, one thousand eight hundred and forty-five, and the twentieth day of April, one thousand eight hundred and forty-six, duly proved and remaining on file in the office of the register of wills in and for the city and county of Philadelphia, did devise and bequeath after the payment of certain legacies, all the

residue of his estate, both real and personal, to his nephew George Roberts Smith, and his son-in-law Harry Ingersoll, their heirs, executors, administrators, and assigns in trust, that they or the survivor of them, should collect and pay over after the death of his wife, which has since occurred, all the rents, income, interest, and profits of said estate, to his only daughter, Sarah E., wife of Harry Ingersoll, for, and during her natural life, and at her death in trust, after the payment of a certain legacy to the said Harry Ingersoll, should he survive her, to pay over the said residuary estate to the child or children, or the issue of a deceased child or children then living of his said daughter for their own use; but should she leave no issue surviving her, then in trust after the payment of certain legacies, to pay over the residue to the aforesaid George Roberts Smith, his heirs, executors, administrators, and assigns, for his and their own use, or if he be dead, to his issue surviving him; but should he then be dead, leaving no issue, to his nephew Alexander Smith, his heirs, executors, administrators, and assigns, or to his surviving issue; should he be then dead, leaving no issue, to his nephew Newbold Smith, his heirs, executors, administrators, and assigns, or to his surviving issue; should he be then dead, leaving no issue, to his nephew Harry Smith, his heirs, executors, administrators, and assigns, or to his surviving issue.

And whereas, Part of the said residuary estate, so vested in trustees for the purposes aforesaid, consists of two dwelling houses with lots and stabling attached, situate on the south side of Chestnut street, between Ninth and Tenth streets, numbered respectively two hundred and fifty, and two hundred and fifty-two, in the city of Philadelphia, which it is desirable for the benefit of all interests, both vested and contingent, should be converted into places of business suitable to the locality; but under the said will the trustees possess no power to appropriate the sums necessary to make said improvement, and thus greatly enhance the value of said property: therefore,

Trustees under the will of Geo. Roberts, deceased, authorized to appropriate certain trust moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George Roberts Smith and Harry Ingersoll, trustees under the will of George Roberts, deceased, of the city of Philadelphia, or the survivor of them, or their successor or successors in the trust, be, and they are hereby authorized to appropriate out of the principal moneys of their said trust estate, any sum not exceeding twenty thousand dollars to the improvement of the properties hereinbefore described, in such manner as may seem to them, or the survivor of them, or their successor or successors in the trust, fit and expedient; and for the money so expended and converted as aforesaid, they shall be entitled to credit in their respective accounts: *Provided*, That the said trustees, or the survivor of them, or their successor or successors in the trust, shall first obtain the written consent of the present cestui que trust to the proposed application of the trust funds: *And provided further*, That the aforesaid personal estate so converted into realty, shall be held, enjoyed, and shall pass in like manner as the residuary real estate devised by said testator.

Proviso.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The tenth day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 32.

AN ACT

Regulating certain election districts in Clinton and Centre counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Bald Eagle, in the county of Clinton, shall hereafter hold their general and township elections at the house of Henry M. Bossart, and that George Brown is hereby appointed judge, and James Welsh and Benjamin F. Fredericks inspectors, to hold the next township election. Bald Eagle township, Clinton county, place of holding elections.

SECTION 2. That the qualified electors of the township of Beech Creek, in the county of Clinton, shall hereafter hold their general and township elections at the house of Andrew White, in the village of Florence in said township, and that Austin Leonard is hereby appointed judge, and Joseph Brownlee and Andrew White inspectors, to hold the next township election. Beech creek township, Clinton county.

SECTION 3. That the qualified electors of the township of Boggs, in the county of Centre, shall hereafter hold their general and township election at the public School House in the borough of Milesburg, and the qualified electors of the township of Union in said county, shall hereafter hold their general and township elections at the School House in Unionville, and at the first election in and for said township of Union, Noah W. McKean shall act as judge, and Robert Hall and John Alexander, junior, as inspectors. Boggs township, Centre county.
Union township, Centre county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 33.

AN ACT

To incorporate the Pennsylvania Steamship Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Corporators. Charles S. Boker, Thomas Richardson, S. Morris Waln, Thomas S. Newlin, James C. Hand, Daniel L. Miller, junior, John Ashurst, Christopher Fallon, Matthew Newkirk, Jesse Godley, Richard Price, John B. Myers, George H. Martin, Gideon G. Wescott, John G. Brenner, Robert Ewing, Robert Patterson, Thomas Allibone, Stephen Flanagan, William C. Ludwig, Michael V. Baker, and such other persons as may become associated with them, or a majority of them, be, and they are hereby created a body politic and corporate, by the name, style, and title of "The Pennsylvania Steamship Company," and by the same shall have perpetual succession, and have all the rights and be liable to all the duties and obligations of a body corporate; and the said corporators, or those who may hereafter be associated with them, or their successors, shall have full power to fill all the subscriptions to the capital stock for such amount, which shall not, however, at any time exceed one million of dollars, as may from time to time be thought by said company necessary for the purpose of equipping, purchasing, chartering, and owning or selling vessels, to be propelled solely or partially by the power and aid of steam, or other expansive fluid, to be run and propelled in navigating the Atlantic or other oceans, to or from any port in Pennsylvania, or from any port in the United States, or elsewhere, to any other port in the United States, or elsewhere; and also purchasing, owning, selling, chartering, and navigating such auxiliary vessels as may be required to provide fuel, or other necessities, for the use of the company; and also to erect, purchase, hold, and convey, or lease such buildings or real estate as may be required for warehouses or wharves, and may be necessary to the efficient management of the business of the company; the said company to be organized so soon as they shall think proper, and the business of the company to be managed in such manner as shall be directed by the by-laws to be adopted by said company, not being contrary to the Constitution and laws of the United States and of this Commonwealth: *Provided*, That nothing contained herein shall be construed to authorize or permit said company to carry passengers or merchandize to or from Philadelphia, and any intermediate point or place on the Delaware river or bay, northward of the Breakwater.

Style.

Privileges.

Special meetings. SECTION 2. That the president, the executive committee, or such other executive authority as may be instituted under the by-laws of the company, on the request, in writing, of twenty-five stockholders, shall call a special meeting of the stockholders, giving twenty days' notice, and stating specifically the objects of such meeting, and the objects stated in such notices, and no other shall be acted upon at such meeting; and it shall also be the duty of the treasurer, or other accounting officer of the company, on the written request of twenty-five stockholders, to furnish a statement in writing, showing the state of the company's accounts, and the condition of their pecuniary affairs.

Reservation. SECTION 3. That the Legislature hereby reserves the right to alter, amend, or repeal this act, in such manner, however, as to do no injustice to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 34.

AN ACT

To vest in Peter Bernd, of Lehigh county, the right of this Commonwealth to the personal estate of Mary Rudolph, of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title, interest, claim, and demand, which the Commonwealth may have acquired by reason of an escheat, from the want of heirs, of Mary Rudolph, late of the city of Philadelphia, deceased, in or to the personal property whereof she died possessed of, or was entitled to, be, and the same is hereby vested in Peter Bernd, of the county of Lehigh, his heirs, executors, or administrators, forever, subject, however, to the provisions of an act, entitled "An Act relating to collateral inheritances:" *Provided,* That no other claim or right of this Commonwealth, except that derived by the said escheat, shall pass by virtue of this act, or shall any right of claims whatever, of individuals, be in any-wise impaired thereby.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 35.

AN ACT

Authorizing the trustees of the four German Reformed churches in Lancaster county, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That David Stone, Henry Gray, John Hibsman, and Philip Voneida, trustees of the four united congregations of the German Reformed churches in Lancaster county, and the survivor or survivors of them, or their successors, be, and they are hereby authorized and empowered to sell and convey by deed or deeds, in fee simple, all that certain messuage

Trustees of the four united congregations of the German reformed churches in Lancaster county authorized to sell certain real estate.

or tract of ninety-two and a-half acres of land, be, the same more or less, with a dwelling house and other improvements thereon, situate in Ephrata township, in said county, bounded by lands of Joseph Konig-macher, Daniel Hertz, Martin Gross, and others, being of the residue or remainder of that certain tract of one hundred and twenty-eight acres and allowance of land which John Balmer and wife, by deed of date the eleventh day of September, A. D., one thousand seven hundred and seventy-nine, granted and conveyed unto Adam Grill, Peter Frankhauser, and others, elders and trustees of the said four several congregations of German Reformed churches in the townships of East Cocalico, Earl Ephrata, and Warwick, in the county aforesaid, their heirs and successors, to and for the use of the said several congregations, as a glebe for their minister for the time being.

Further powers of said trustees. SECTION 2. That the said trustees, and the survivor or survivors of them or their successors, are hereby authorized and empowered to sell and convey the said tract of ninety-two and a-half acres, more or less, of land described in the first section, either as an entire tract or by a division of the same into smaller tracts or pieces, as they may deem most advantageous to the interests of those concerned, and grant and convey the same to the purchaser or purchasers thereof, his, her, or their heirs and assigns, as fully and for such estate as they, the said trustees, hold in the same, and divide the proceeds arising from such sale or sales, amongst the said four congregations, according to their several interests in the same.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 36.

A SUPPLEMENT

To the acts authorizing the Governor to incorporate the "New Holland Turnpike Road Company; and the Lancaster, Elizabethtown, and Middletown Turnpike Road Company."

New Holland
Turnpike Road
Company and
the Lancaster,
Elizabethtown,
and Middletown
Turnpike Road
Company; rela-
tive to proceed-
ings against.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter all proceedings against "The President and Managers of the New Holland Turnpike Road Company, and the President and Managers of the Lancaster, Elizabethtown, and Middletown Turnpike Road Company," for any neglect or refusal to keep their roads in good and perfect order and repair, or in good travelling order and repair, or for any penalty inflicted on them for the same, shall be commenced and prosecuted according to the provisions of the fourteenth, fifteenth, six-

teenth, seventeenth, and eighteenth sections of the act of Assembly entitled "An Act regulating Turnpike and Plank Road Companies," approved January twenty-sixth, one thousand eight hundred and forty-nine.

SECTION 2. That so much of the acts incorporating said companies, or so much of any law as is inconsistent with the provisions of this act, or inflicts any other penalty or forfeiture upon the managers or any toll collector of said companies than is provided by the provisions of this act, is hereby repealed. Repeal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 37.

AN ACT

To incorporate "The Pittsburgh Life Insurance Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James S. Hoon, Joseph S. Leech, John S. Dilworth, Charles A. Colton, Samuel McClurkan, William Philips, and John A. Wilson, and all others who may become associated with them as stockholders, as is hereinafter provided, their successors and assigns forever, be, and they hereby are created and made a body corporate and politic for the purpose of life insurance, and for the other purposes hereinafter mentioned, by the name of the "Pittsburgh Life Insurance Company;" and by that name shall be, and hereby are empowered to purchase, have, hold, possess, and enjoy to themselves and their successors, such lands, tenements, hereditaments, goods, chattels, and effects of every kind, as may be necessary to the transaction of the business of said company, and the same to grant, alien, sell, invest, and dispose of; to sue and be sued, plead and be impleaded, in all courts of justice; to have and use a common seal, and the same to change, break, and renew at pleasure; and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *Provided,* They be not repugnant to the laws of the United States or of this State, or to the provisions of this act of incorporation. Corporators.
Style.
Privileges.
Proviso.

SECTION 2. That the capital stock of said corporation may be, and shall not exceed, one hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the Capital stock.

treasury of said corporation by each subscriber to said capital stock, at the time of subscribing for the same, an instalment of five dollars on each share of stock by him subscribed for; and a further instalment of three dollars on each share shall be paid within twenty days after the organization of said company; and the remainder of said shares so subscribed for, shall, within twenty days after the organization of said company, be secured, to be paid either by bond and mortgage on real estate, or by such endorsed promissory notes as shall be approved of by the directors of said corporation, and shall be payable in such instalments, and at such times, as the directors may determine; and such endorers shall have a lien on the stock for which such note or notes are given.

Transferable.

SECTION 3. That the capital stock of said corporation shall be transferable according to the rules and regulations of the company; and if any subscriber of any share or shares of said stock shall neglect or refuse to pay the instalments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall become due or required, and after he or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors at public auction, giving at least twenty days' notice thereof in some newspaper printed in Pittsburgh, and the proceeds of such sale shall be first applied in payment of the instalments called for, and the expenses attending the sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall, in all respects, entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Forfeiture of stock.

Insurance on lives.

SECTION 4. That said corporation is authorized and empowered to make insurance, predicated upon the lives of persons, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said corporation, and to make contracts upon any and all conditions appertaining to, or connected with, life risks of whatever kind or nature; and policies may be issued, stipulated to be with or without participation in profits; but all dividends which shall be declared upon such insurances, or declared to stockholders, which are not claimed and called for within six months after the same have been declared, shall be advertised for at least three weeks in some newspaper printed in Pittsburgh; and if not demanded within one year after the publication of said notice, shall become forfeited to said company.

Policies may be issued to married women, &c.

SECTION 5. That policies may be issued by said company to any married woman, in her name, or in the name of a third person as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her, for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable, after her death, to her child or children, for his, her, or their benefit, or their guardian or guardians, if under age.

Policies to enure to her separate use, &c.

SECTION 6. That policies of insurance issued by said company on the life of any person, expressed to be for the benefit of a married woman, whether the same be effected by herself or her husband, or by any other person on her behalf, shall enure to her separate use and benefit, and that of her or her husband's children, if any, as may be expressed in said policies, independently of her husband and his creditors and representatives, and also independently of any other person effecting the same in her behalf, his creditors and representatives.

SECTION 7. That it shall be lawful for any child, by himself or her- The child may
self, and in his or her name, or in the name of any third person as his insure the life of
or her trustee, or guardian, to cause to be insured for his or her sole parent, &c.
use, the life of his or her parent,; and the sum or nett amount of the
insurance becoming due and payable by the terms of the insurance,
shall be payable to him or her, and for his, her, or their own use, free
from the claims of the representatives of his or her parent, or any of
his, her, or their creditors.

SECTION 8. That the office of said company shall be located in the Location of
city of Pittsburgh, county of Allegheny, and State of Pennsylvania; office.
and the stock, property, and affairs of said corporation shall be man-
aged and conducted by no less than five, nor more than eleven direc- Directors.
tors, a majority of whom shall reside in this State, and after the first
year all to be chosen by ballot from among, and by, the stockholders,
which directors, as also those of the first year, shall hold their offices
until the first Tuesday in February next ensuing their election or
appointment, and until others are chosen to supply their places; and
the annual meeting for the choice of directors shall be holden at the Annual meet-
city of Pittsburgh, on the first Tuesday of February, or on such other ing.
day of the month of February, as shall be determined by the by-laws
of said corporation. In the choice of directors as aforesaid, each stock-
holder present, or represented by his attorney, shall be allowed one
vote for each and every share of stock then held by him; and none
but stockholders shall be eligible to the office of director; and a ma-
jority of said directors living within the limits of Allegheny county
shall constitute a quorum for the transaction of business.

SECTION 9. That if it shall so happen that an election of directors of Failure to elect,
said corporation shall not take place at the time of the annual meeting corporation not
thereof, in any year, said corporation shall not be dissolved thereby, to be dissolved
but an election may be had at any time within one year thereafter, the on that account.
time to be designated, and notice thereof given by the directors; and
public notice by order of the directors shall always be given at least
ten days previous to any meeting of the stockholders, in a newspaper
printed in Pittsburgh, and in such other way as may be deemed expe-
dient; and the president shall have power to call special meetings of
the stockholders, whenever requested thereto by a majority of the
directors.

SECTION 10. That to carry out the provisions of this act, and to
organize the said corporation, the first three persons mentioned in the
first section of this act, be, and they hereby are appointed commis- Commissioners,
sioners for the purpose of receiving subscriptions to the capital stock duties.
thereof, and the first instalment thereon; and as such are hereby author-
ized to receive such subscriptions, and to close the subscription books
of said company when the said capital stock shall be fully subscribed;
or in case the capital stock shall be over-subscribed, to distribute and
apportion the same among subscribers as the said commissioners shall
deem proper; and when three hundred shares of said capital stock
shall have been subscribed for, and the first instalment aforesaid has
been paid thereon, the persons named in the first section of this act
may elect a secretary from among their number, and, with said secre- Secretary.
tary, shall constitute the first board of directors, who shall hold their
offices, with all the powers given to directors by this act, until others
are chosen to supply their places; and the directors may, after the
stock shall all have been subscribed for, issue a call for a meeting of
the stockholders, for the purpose of electing the remainder of the direc-
tors. The directors shall adopt such by-laws, rules, and regulations, as

may be necessary and convenient for commencing and carrying on business under this act.

Officers.

SECTION 11. That the directors may choose a president, vice president, and secretary of their corporation, and appoint such other officers, clerks, and agents, and establish such agencies as shall be by them deemed advisable for conducting the business of the company, fix their compensation, and take bonds from any, or all of them, for the faithful performance of their duties, and make such covenants and agreements as may be deemed necessary. The president and vice president shall be chosen from among the directors, and shall hold their appointments for one year, and until others are chosen to supply their places; but the other officers, clerks, and agents of said company may be displaced, and new ones appointed, at the pleasure of the directors. In the absence or disability of the president, the vice president shall preside; and if both are absent or disabled, the directors may choose a president, *pro tempore*; and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders, to fill such vacancy, who shall hold their appointment until others are chosen to supply their places.

Policies, &c., to be signed by the president.

SECTION 12. That all policies of insurance, or other contracts authorized by this act, may be made with or without the seal of said corporation, and shall be signed by the president and secretary; and being so signed and executed, shall be binding and obligatory upon said corporation, according to the true intent and meaning of such policies and contracts.

Capital stock to be vested in loans, &c.

SECTION 13. The capital stock of said corporation shall be invested either in loans upon bonds and mortgages upon real estate, of double the value of the debt secured thereon, or in United States stocks, or any sound stocks created by any State of this Union, or any incorporated city of this State: *Provided*, That said corporation may loan twenty-five per cent. of its capital upon endorsed promissory notes, not having more than twelve months to run; and it shall be the duty of said corporation to make, annually, a report to the General Assembly, containing a full and accurate statement of its condition and affairs.

Proviso.

Suits.

SECTION 14. That suits at law may be maintained by any stockholder, or person insured by said company, against said corporation, for losses or damages insured against by said corporation, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance or other contract, and after said corporation shall have been duly notified of such loss or damage.

Reservation.

SECTION 15. That this act may be altered, amended, or repealed, at the pleasure of the General Assembly; in such manner, however, that no injustice shall be done to the stockholders; and nothing contained therein shall be so construed as to authorize said company to engage in the business of banking.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—This tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 38.

SUPPLEMENT

To the act of seventh April, one thousand eight hundred and forty-nine, incorporating the Temperanceville and Noblestown Turnpike or Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Temperanceville and Noblestown Turnpike or Plank Road Company, Additional powers granted to April, eighteen hundred and forty-nine, be, and they are hereby empowered to lay out, make, and construct a branch from their said road at the Temperanceville and Noblestown Turnpike or Plank Road Company. such point as they see fit, so as to intersect the Washington and Pittsburgh Turnpike Road, at or near the house of Col. William Lea, with power to extend the same, if they see proper, to the town of Washington, Washington county, Pennsylvania; and also to lay out, make, and construct a branch from their said road at such point as they see fit, so as to intersect the Pittsburg and Steubenville Turnpike Road at such point as they see fit, with power to extend the same, if they see proper, to the State line in the direction of Steubenville, Ohio; said lateral roads or branches to be subject to all the provisions and restrictions of the said act of seventh of April, one thousand eight hundred and forty-nine, and of the act regulating turnpike and plank road companies, approved twenty-sixth January, one thousand eight hundred and forty-nine, and the supplements thereto; and said company shall have the same powers of erecting gates and collecting tolls, and all other powers and privileges granted by said acts.

SECTION 2. That said company are hereby authorized to increase Authorized to their stock from time to time, to such an amount as they may find increase stock. necessary, so as at no time to exceed the sum of one hundred thousand dollars.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 39.

AN ACT

Regulating election districts.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Franklin, Carbon county, is hereby erected into an election district. The school house in the village of Weiss Port, in said township, shall be the place for holding the township and general elections, and that the third Friday of March next, and each succeeding third Friday of March thereafter, shall be the time of holding the township elections of said township. David Bowman is hereby appointed judge, and Edward Weiss and William Kern inspectors, for holding the next township election.

Franklin township, Carbon county, into a separate election district.

Towamensing township, Carbon county.

SECTION 2. That hereafter, the place of holding the township and general elections in Towamensing township, Carbon county, shall be at the house of Daniel Stemler, in said township.

Franklin township, Susquehanna county.

SECTION 3. The qualified voters of the township of Franklin, in the county of Susquehanna, shall hereafter hold their general election at the school house near Jacob Allards, and their township election at the school house near Rufus Tuttles.

Forkston township, Wyoming county.

SECTION 4. That on and after the passage of this act, the general and township elections for the township of Forkston, in the county of Wyoming, shall be held at the house of Hiram Hitchcock, now occupied by Austin P. Burgess, in said township.

Rush township, Schuylkill county.

SECTION 5. That the qualified voters of Rush township, Schuylkill county, shall hereafter hold their general and township elections at the public house now occupied by Stein and Lindner, in said township.

Eldred township, Schuylkill county.

SECTION 6. That the qualified voters of Eldred township, Schuylkill county, shall hereafter hold their general and township elections at the house now occupied by Peter W. Kutz, in Zimmermanstown, in said township.

Morris township, Clearfield county.

SECTION 7. That from and after the passage of this act, the qualified voters of Morris township, Clearfield county, shall hold their general and township elections at the public house of James Lohman, in said township.

Monroe township, Bedford county.

SECTION 8. That the qualified voters of the township of Monroe, in the county of Bedford, shall hereafter hold their general, special, and township elections, at the house of Philip Evans, in the town of Clearville, in said township.

Blacklick township, Cambria county.

SECTION 9. That the qualified electors of the township of Blacklick, in the county of Cambria, are authorized to hold their general, special, and township elections at the house of Enoch Rees, in said township; and that James Duncan be appointed judge, and John Gillan and Enoch Rees be, and are hereby appointed inspectors, to hold a township election for said township on the third Friday of March, one thousand eight hundred and fifty-one; and in conducting said election they shall be governed by the election laws of this Commonwealth.

SECTION 10. That the township of Cameron, in the county of Northumberland, be, and the same is hereby erected into a separate and independent election district, the qualified voters whereof shall hereafter hold their general and township elections at the house of Jacob Haupt, in said township; and that Jacob Wagner shall act as judge, and John Hine and Michael Derk as inspectors of the elections aforesaid, until their successors shall be duly qualified. Cameron township, Northumberland county, erected into a separate election district.

SECTION 11. The qualified electors of the borough of Providence, in the county of Luzerne, shall on and after the passage of this act, hold their general and borough elections at the public house now occupied by S. Bristol, in the said borough. Providence borough, Luzerne county.

SECTION 12. That the general and township elections in Sugarloaf, Luzerne county, shall hereafter be held at the public house now kept by James W. Rhodes, in said township. Sugarloaf township, Luzerne county.

SECTION 13. That if the new township of Wright, in the county of Luzerne, shall be absolutely confirmed by the court, the place of holding the general and township elections shall be at the public house of William Albert, in said township; if the said township shall not be absolutely confirmed, then all that district set off by the commissioners appointed by the court of Quarter Sessions of said county, shall be a separate election district, and the elections shall be held at the place above specified: That at the approaching general election, William Albert shall be judge of the same, and Samuel Stivers and John Shafer inspectors, to conduct said election. Wright township, Luzerne county.

SECTION 14. That the qualified voters of Shenango township, Mercer county, shall hereafter hold their general and township elections at the school house in the village of West Middlesex, in said township. Shenango township, Mercer county.

SECTION 15. That from and after the passage of this act, the Fifth Ward, in the district of Spring Garden, in the county of Philadelphia, shall be divided into two election precincts as follows, to wit: Beginning at the corner of Green and Thirteenth streets, thence northwardly along the middle of said Thirteenth street to the middle of Brown street, thence eastwardly along the middle of Brown street to the middle of Twelfth street, thence northwardly along the middle of said Twelfth street to the northern boundary of said district; and all that part of said Fifth Ward lying between the said dividing line and Eleventh street shall be the first precinct, and all that part of said Ward lying between the above dividing line and Broad street shall be the second precinct. Spring Garden, fifth ward, relative to.

SECTION 16. That all general, special, and ward elections shall be held at the following places, to wit:—The qualified voters of the first precinct shall hold their elections at the public house now kept by William Teany, in Coates street above Eleventh street; and the qualified voters of the second precinct shall hold their elections at the public house now kept by William T. Miller, at the north-east corner of Broad and Coates streets; and the qualified voters of each of said precincts shall, on the third Friday in March next, and annually thereafter, elect one judge and two inspectors, in the manner now provided by law. Place of holding elections in said ward.

SECTION 17. That for the purpose of conducting the election on the third Friday in March next, the present judge and inspectors of said Fifth Ward, shall be the judge and inspectors of the first precinct; and the present judge shall appoint one person to act as judge of the second precinct; and, in like manner, the present inspectors shall each appoint one person to act as inspectors for the second precinct: *Provided*, That in case the present judge and inspectors, or either of them, are not present on the day of the election, to perform Officers of election.

the duties aforesaid, then the persons appointed in their stead shall appoint the said judge and two inspectors.

Commissioners
of the county of
Philadelphia to
furnish ballot-
boxes, &c.

SECTION 18. That it shall be the duty of the Commissioners of the county of Philadelphia to furnish the judges and inspectors of each of said precincts the necessary ballot-boxes, blanks, forms, and lists of taxable inhabitants as are now furnished to judges and inspectors of elections within said district of Spring Garden; and the said additional inspectors shall each appoint one person to act as Clerk, who, together with the additional judge and inspectors, shall take the same oath or affirmation, perform the same duties, and receive the same compensation, as is now provided by law for election officers: *Provided*, That the place of holding the elections in each precinct shall be changed—in accordance with the provisions of an act entitled "An Act relating to the elections of this Commonwealth," passed the second day of July, one thousand eight hundred and thirty-nine.

Price township,
Monroe county.

SECTION 19. That hereafter, the place of holding the township and general elections in Price township, Monroe County, shall be at the house now in the occupancy of John S. Price, in said township.

Patton town-
ship, Allegheny
county.

SECTION 20. That hereafter, all township and general elections in Patton township, Allegheny county, shall be held at the house now occupied by Abraham Taylor, on the Northern turnpike.

Wilkins town-
ship, Allegheny
county.

SECTION 21. That all township and general elections in Wilkin's township, Allegheny county, shall be held at the house now occupied by John Shaffer, on the Greensburg turnpike. That Henry Chalfant is hereby appointed judge, and William G. Hawkins and John Horner inspectors, to conduct the first election to be held in March next.

Collins town-
ship, Allegheny
county.

SECTION 22 That all township and general elections in Collins township, Allegheny county, shall be held at the house now occupied by William McCall, junior, in East Liberty. That Robert Baxter and William Warmkessel are hereby appointed inspectors, and John Barr judge, to hold and conduct the first election in March next.

M'Nair's town-
ship, Allegheny
county.

SECTION 23. That all township and general elections in the township heretofore known as M'Nair's, in the county of Allegheny, shall be held at the house now occupied by Robert Donaldson, on the Leechburg road. That said township shall hereafter be known and called by the name of "Penn;" and that C. Snively and Robert Donaldson are hereby appointed inspectors, and Henry B. Stotter judge, to hold and conduct the first election in March next.

Perry township,
Jefferson coun-
ty.

SECTION 24. That the north end of Perry township, in Jefferson county, as divided by the court of said county, be, and the same is hereby erected into a separate election and school district, to be called "Oliver;" and the qualified electors thereof shall hereafter hold their general and township elections at the house of William McKinstry, in said township; and that David Harl act as judge, and John Coulter and Samuel Gaston, senior, act as inspectors, to hold the township elections for the year one thousand eight hundred and fifty-one, which shall be held on the fourth Monday in April next; and that the township elections shall be holden on the fourth Monday in February in each year thereafter.

Perry township,
Jefferson coun-
ty.

SECTION 25. That the qualified voters of Perry township, in Jefferson county, shall hereafter hold their general and township elections at the house of Irwin Robinson, in Perrysville, in said township.

Perry township,
Clarion county.

SECTION 26. That from and after the passage of this act, the qualified voters of Perry township, in Clarion county, shall hold their elections at the school house in sub-district No. 1, in said township.

Lake township,
Mercer county.

SECTION 27. That the township of Lake, in the county of Mercer, is hereby erected into a separate election and school district; and the

qualified electors thereof shall hold their township, school, and general elections, at the house of William Rey; and Benjamin Slater is hereby appointed judge, and Alexander McGaw and James McCormick are hereby appointed inspectors, to hold the first township election therein.

SECTION 28. The township of Fairview, in the county of Mercer, Fairview township, is hereby erected into a separate election and school district, and the township, Mercer county. qualified electors thereof shall hold their school, township, and general elections, at school house No. 5, east, in said township; and Samuel Nichols is hereby appointed judge, and James Miller and Lebbens Simmons are hereby appointed inspectors, to hold the next spring elections for said township.

SECTION 29. That the qualified electors of Mahanoy township, in the Mahanoy township, county of Schuylkill, shall hereafter hold their general and township elections at the public house now occupied by Samuel Miller, in said county. township.

SECTION 30. That hereafter, the qualified electors of the township Mahlenberg township, in the county of Berks, shall hold their general and township elections at the house of Gabriel Gehret, in said township; and county. that John Ulrich is hereby appointed judge, and George Dalicker and Solomon Horning inspectors, to hold the next township election, which shall be conducted in accordance with the general elections of this Commonwealth.

SECTION 31. That the qualified voters of the borough of Newton Newton Hamilton and Wayne township, in the county of Mifflin, shall hereafter hold their general and township elections at the new school house in said borough of Newton Hamilton. townships, Mifflin county.

SECTION 32. That hereafter, the borough of Newcastle, Lawrence New Castle, county, shall form a separate school and election district, subject to the laws and regulations of townships and boroughs, in such cases made by. Lawrence county.

SECTION 33. That the general and township elections in the township of Beaver, Columbia county, be hereafter held at the house of Charles Michael, in said township. Beaver township, Columbia county.

SECTION 34. That the township of Benton, in the county of Columbia, is hereby erected into a separate election district, and the general and township elections therein shall be held at the house of Ezekiel Cole, in said township; and William Cole is hereby appointed judge, and Thomas Mendenhall and John McHenry inspectors, to conduct the first election in March next. Benton township, Columbia county.

SECTION 35. That the qualified voters of the North-west Ward of the N. W. ward, borough of Pottsville, shall hereafter hold their ward and general elections at the public house now occupied by George Betz, in said Pottsville, county. ward. Schuylkill county.

SECTION 36. That the qualified electors of Farmington township, in Farmington the county of Tioga, shall hereafter hold their general elections at the township, Tioga house of Peter Mowrey, in said township. county.

SECTION 37. That the qualified voters of the township of Cogan Cogan House, House, in the county of Lycoming, shall hereafter hold their general township elections at the house of Cassimer Wittig, in said township. Lycoming county.

SECTION 38. That the township of Coolspring, in the county of Mercer, is hereby erected into a separate election school district; township, Mercer county. and the qualified electors thereof shall hold their school, township, and general elections, at the house of William L. Muse, in said township; and Joseph Alexander is hereby appointed judge, and William Miller and Robert Simeox inspectors, to hold the first spring election therein.

Jackson town-
ship, Mercer
county.

SECTION 39. That the township of Jackson, in the county of Mercer, be, and the same is hereby erected into a separate school and election district; and the qualified electors thereof shall hold their school, township, and general elections, at the school house near Esbin Turner's; and Nicholas Mourer is hereby appointed judge, and William Clark and William Service are hereby appointed inspectors, to hold the first spring election therein.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—This tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 40.

AN ACT

Erecting the villages of Mount Joy and Richland, and their vicinity, in the county of Lancaster, into a borough, to be called the borough of Mount Joy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the villages of Mount Joy and Richland, and their vicinity, in the county of Lancaster, with all the territory lying within the following bounds, commencing at number one, a corner of Daniel Maurer's land or out-lot, east by south-east twelve and one-half degrees three hundred and forty-four rods in a line, crossing the intersection of the branches of the Marietta turnpike to an oak tree on land of Emanuel Cassel, opposite in a line with the road leading from said Cassel's to the village, being corner number two, thence along said road north ninety-five rods to the Lancaster and Harrisburg turnpike to a corner B., opposite said road on land of A. S. Hackman, thence in a line north thirty degrees west sixty-eight rods to a tree on the rocky bluff or bank of the mill dam to corner number three on land of said A. S. Hackman, thence west by north-east twelve and one-half degrees two hundred and eighty-eight rods in a line along the north side of a grave yard passing between the house and stable of Andrew Tanger, at the junction of Railroad street with the Manheim road at D., to a corner number four in the field of Christian N. Sherrick, thence in a line south eighteen degrees south-west one hundred and sixty rods, crossing the intersection of the Harrisburg and Lancaster turnpike and railroad to the place of beginning, shall be, and the same is according to the foregoing lines, declared to be erected into a borough, to be called the "borough of Mount Joy," and to be divided into east and west wards by Railroad street, each ward to elect an equal number of councilmen.

Boundaries.

SECTION 2. That it shall and may be lawful for all persons entitled to vote for members of the Legislature, who shall have resided in said borough six months next preceding to such election, to meet at the Bell School House, situated on Barbara street in the plan of said borough, on the Third Friday in March in every year, and then and there elect by ballot, between the hours of nine and six o'clock of the same day, one reputable citizen residing therein, who shall be styled "the burgess" of said borough, and six reputable citizens residing therein, who shall be a town council, two to serve for one year, two for two years, and two for three years (said council to decide by lot how long each shall serve), and annually hereafter elect one from each ward, and shall also elect as aforesaid, one reputable citizen as high constable, also two citizens of said borough, and return the names of the persons so elected to the next court of Quarter Sessions of said county, one of whom shall be appointed constable of said borough; but previously to such election, the inhabitants shall elect one reputable citizen as judge, two as inspectors, who shall appoint two as clerks of said election, which shall be regulated and conducted according to the general election law of this Commonwealth, so far as relates to receiving and counting votes; and said officers shall be subject to the same penalties for malpractices as by the said law is imposed, and the said judges, inspectors, and clerks, respectively, before they enter upon the duties of their offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judge and inspectors, whereupon duplicate returns shall be signed by the said judge and inspectors, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation, removal, refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence, inability, or refusal to act, the council shall issue a precept directed to the high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in manner aforesaid, to supply such vacancy, giving at least ten days' notice thereof, by advertisements set up at six of the most public places in said borough.

Elections, how held.

SECTION 3. That from and after the third Friday in March next, the burgess and town council, duly elected as aforesaid, and their successors, shall be a body politic and corporate in law, by the name and style of the "Burgess and Town Council of the Borough of Mount Joy," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, shall be capable in law to receive, hold, and possess goods and chattels, lands and tenements, rents, liberties, jurisdiction, franchises, and hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of ten thousand dollars; and also to give, grant, sell, let, and assign the same lands, tenements, and hereditaments and rents, by the name and style aforesaid; they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this Commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same, from time to time, at their will, to change and alter.

Style.

Privileges.

SECTION 4. That if any person duly elected as burgess, or a member of town council, or constable, and having received notice thereof as

Officers. aforesaid, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay a sum not exceeding twenty dollars, which fine, and all other fines and forfeitures, incurred and made payable in pursuance of this act, or of the by-laws or ordinances of the town council, shall be for the use of the corporation.

To be sworn. SECTION 5. That the burgess, town council, and constables, and each of them, before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to support the Constitution of the United States and of this State, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths or affirmations shall be filed among the records of said corporation.

Constables, duties. SECTION 6. That the high constable of said borough shall have the power and authority vested by the laws of this Commonwealth in the constables of the different townships in said county; and the constable elected and appointed as aforesaid, shall have full power and authority to execute any process directed to the high constable of said borough, and is hereby authorized and enjoined to do and perform all duties required to be done by the said high constable: *Provided*, Said constable be subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables in this Commonwealth.

Meetings of council, Burgess to preside. SECTION 7. That it shall be the duty of the burgess and town council, five of whom shall constitute a quorum, to hold meetings from time to time, as occasion may require, at which meetings the burgess shall preside, or in his absence or inability, a member *pro tem.*, and enact such by-laws, and make such rules, regulations, and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, benefit, and advantage of said borough, particularly of providing for the regulation of the markets, improving, repairing, and keeping in order and regulating the pavements, streets, roads, lanes, alleys, and highways, ascertaining and determining the depth of vaults, sinks, or pits, for necessary houses, and making permanent regulations and rules relative to the foundation of buildings, party-walls, and fences; they shall have power to assess, apportion, and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, two persons to act as street and road commissioners, a treasurer, a clerk of the market, and a collector, annually, whether said collector be at the time high constable or not, and such other officers as may be deemed necessary from time to time, and the same officers, from time to time, remove for misconduct, neglect, or misdemeanor in office; they shall have power, also, to revise, repeal, or annul all such by-laws or ordinances as may, by experience, be found unequal, unjust, or unnecessary: *Provided always*, That no by-laws, rule, or ordinance of said corporation shall be repugnant to the Constitution or laws of the United States or of this Commonwealth, and that no such by-law or ordinance, made as aforesaid, shall take effect until ten days have expired after the promulgation thereof in at least one newspaper, if such be printed in said borough, and by twelve advertisements, to be put up in the most public places in said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, and to the provisions of the said act of incorporation, so that the tax shall not exceed, in any one year, fifteen cents in the hundred dollars of such valuation, unless some

By-laws.

Town clerk appointed.

Proviso.

Taxes.

object of general utility shall be thought necessary, in which case it shall be the duty of the town council to call a meeting of the qualified voters of the borough; notice of the time and place of such meeting being first given as prescribed in the second section of this act, a majority of whom shall decide by ballot how much and what additional sum shall be raised, and any additional sum so authorized shall be assessed and collected in the usual manner: *Provided*, The whole amount of tax shall not exceed forty cents on the one hundred dollars in any one year.

SECTION 8. That it shall be lawful for said town council to assess and collect a tax on single freemen, and inmates residents in said borough, to be rated according to the provisions of the act to raise and collect county rates and levies; and the said town council shall further have the power and authority to assess and collect on each and every species of dogs, a tax to an amount not exceeding fifty cents for each head, as they may deem expedient and proper for the use of the corporation. Taxes on single freemen.

SECTION 9. That the burgess, or in case of his absence, neglect, refusal, or inability to act, the town council is hereby authorized and empowered to issue his or their precept, as often as occasion may require, directed to the collector or high constable, as the case may be, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the burgess is hereby authorized to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined upon him for the well ordering and governing the said borough; he shall have jurisdiction in all disputes between the corporation and individuals, arising under the by-laws, regulations, and ordinances. Burgess to issue precept to collector.

SECTION 10. That the burgess for the time being shall take cognizance and have all the power, jurisdiction, and authority of justices of the peace within said borough for the suppression of riots, tumults, and disorderly meetings, for the punishment of vagrants and disorderly persons, as well as in all criminal cases and in all cases of violations of the provisions of this corporation act, or of the supplement which may hereafter be appended to the same or of the ordinances of said borough, and shall be entitled to the same fees for like services as justices of the peace are by law entitled to receive, and all attestations made by the burgess, made with the seal of the corporation, shall be good evidence of the act or thing certified, and for the affixing of the seal to any instrument other than for borough purposes, he shall receive fifty cents; and his warrant, capias, or summons, directed to the constable or constables, may be executed at any place within the county of Lancaster. Burgess to have power to suppress riots.

SECTION 11. That the burgess and town council shall have power to provide or erect a suitable building in said borough, to be used as a lock-up house or place of security for the temporary detention of persons committed by the justice of the peace or burgess for any violation of the laws of this Commonwealth, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until discharged according to law: *Provided*, That no person committed shall be confined in said house for a longer period than twenty-four hours at any one time. Lock-up house may be erected.

SECTION 12. That in case of neglect or failure to elect borough officers under the provisions of the act of incorporation at any time on the day appointed by law, it shall be the duty of the burgess or the town council to give at least ten days' public notice by twelve or more Failure to elect officers, former to continue to act.

handbills, put up at the most public places in said borough, for an election to be held at any time within one month next after the day appointed by the aforesaid act, and that the officers of the preceding year shall continue to exercise their duties until their successors shall be duly elected and qualified.

Court of appeal. SECTION 13. That the burgess and town council, or any three of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals; of which, and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing; and when the said tax shall have been properly adjusted, it shall be collected as aforesaid.

Town clerk, duties of. SECTION 14. That it shall be the duty of the town clerk to attend all the meetings of the town council when assembled upon business of the corporation, and perform the business of the clerk thereto, and keep and preserve the common seal and records of the corporation, and be accountable for the same, and also for the discharge of all duties which may be enjoined upon him by virtue of this act or the acts of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Treasurer, duties of. SECTION 15. That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors all moneys, books, accounts appertaining thereto, upon demand being made by the burgess or town council for the purpose.

Accounts to be rendered. SECTION 16. That the street commissioners, treasurer, constables, and clerk of the market, as well as other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

Collector. SECTION 17. That any person who may be appointed collector, and refuses or neglects to perform the duties of said office, shall forfeit and pay to the treasurer of said borough a sum not exceeding ten dollars, to be recovered for the use of said borough.

Notice of elections. SECTION 18. That it shall be the duty of the high constable to give notice of the elections by setting up advertisements in at least twelve of the most public places in said borough ten days' previously thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, That James Laird, Jacob P. Brady, and James Donoughy, of said town, or either of them, shall publish and superintend the election to be held on the third Friday in March next, as hereinbefore directed.

Appeal. SECTION 19. That if any person or persons shall think him, her, or themselves aggrieved by anything done in pursuance of this act, he, she, or they, may appeal to the next court of Quarter Sessions to be held for the proper county, upon giving security according to law to prosecute his, her, or their appeal with effect; and the court having taken such order therein as shall seem to them just and reasonable, and the same shall be final and conclusive therein.

Repeal. SECTION 20. That the seventh section of act number ninety-three, passed the sixth day of March, one thousand eight hundred and forty-

eight, relative to Mount Joy street, in the village of Mount Joy, in the county of Lancaster, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.
BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 41.

AN ACT.

Regulating certain Election Districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Blooming Grove, in the county of Pike, shall hereafter hold their general and township elections at the house now in the occupancy of Gilbert Y. Croon, in said township, and that John Nyce is hereby appointed judge, and Lafayette Westbrook and John M. Hunt inspectors, to hold the next township election; and in conducting said election they shall be governed by the election laws of this Commonwealth.

Pike county.
Blooming Grove township, election district.

SECTION 2. That the qualified voters of Pike township, in the county of Potter, shall hereafter hold their general and township elections at the dwelling-house of John M. Kilbourn, in said township.

Potter county.
Pike township, election district.

SECTION 3. That the township of Logan, in the county of Blair, is hereby erected into a separate election district, and that the qualified voters of said township shall hereafter hold their general and township elections at the Union school house at or near Altoona, in said township; that the first spring or township election for the year one thousand eight hundred and fifty-one, shall be on the third Friday of February, instant; and that Henry T. McClelland is hereby appointed judge, and Jonathan Hamilton and William Loudon inspectors, to hold the first spring or township election; and in all other respects said election shall be conducted agreeably to the general election laws of this Commonwealth.

Blair county.
Logan township, election district.

SECTION 4. That the qualified electors of the township of Jefferson, in the county of Mercer, shall hereafter hold their township and general elections at the school house near Robert Fruit's, in said township.

Mercer county.
Jefferson township, election district.

JOHN CESSNA,
Speaker of the House of Representatives.
BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

No. 42.

A SUPPLEMENT

To an act entitled "An Act relative to the courts and county offices of Sullivan county," passed the twelfth day of March, one thousand eight hundred and forty-nine.

Register, Recorder, Prothonotary, &c., of Sullivan county, to pay a fee of ten dollars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the citizen elected in pursuance of the second section of the act to which this is supplementary to be Register of Wills, Recorder of Deeds, Prothonotary of the Court of Common Pleas, and Clerk of the Orphans' Court, the Oyer and Terminer, and the Quarter Sessions of the county of Sullivan, shall be required to pay to the Commonwealth a single fee of ten dollars only, for all the commissions for the offices aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 43.

AN ACT

Authorizing John King, guardian of William Hartley King, John Henry King, and Sarah Bell King, to sell and convey certain real estate, confirming certain sales of the real estate of Samuel Tate, late of Bedford county, deceased, providing for the appointment of a trustee in the room of Peter Walker, of Somerset county, authorizing the trustees of the Methodist Episcopal Church in Berlin to sell certain real estate, and providing for the election of additional supervisors in Somerset township, Somerset county.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

John King, guardian of William Hartley King, John Henry King, and Sarah Bell King, minor children of Thomas King, of Bedford county, be, and he is hereby authorized and empowered to sell and dispose of, either at public or private sale, all the estate, right, title, interest, property, claim, and demand of the said minors, in law or equity, or otherwise, howsoever, of, in, and to that certain tract of land situate in West Providence township, Bedford county, containing one hundred and seventy-seven acres, more or less, adjoining lands of William Hartley, Jacob Barndollar, and others, composed of two tracts of land, one containing one hundred and twenty-seven acres, and the other containing fifty acres, and to grant and convey the same in fee simple to the purchaser or purchasers thereof, and to make, execute, and acknowledge a good and sufficient deed or deeds for the same: *Provided always*, That before any deed of conveyance shall be delivered to the purchaser, or purchasers, the said guardian shall give a bond in such sum, and with such security, as the Orphans' Court of the said county of Bedford shall order and direct for the faithful application or investment of the proceeds of the said real estate. *And provided further*, That said court shall approve of and confirm said sale.

Guardian of
minor children
of Thomas King
to sell real estate.

SECTION 2. That all the deeds of conveyance made and delivered by Samuel H. Tait, administrator of Samuel Tait, deceased, for the real estate of said deceased, in the county of Bedford, and by virtue of an order issued by the Orphans' Court of said county, be, and the same are hereby declared good and valid, and shall vest in the grantees therein named, their heirs and assigns, all the right, title, and interest, which the said Samuel Tait had at and before the time of his decease.

Administrator
of S. Tait to
sell real estate.

SECTION 3. That the Orphans' Court of Somerset county be, and is hereby authorized to discharge Peter Walker, senior, of Brother's Valley township, Somerset county, upon his petition to the said court, from the remainder of the trust committed to him by the fifteenth section of an act of the General Assembly, approved fourteenth of April, one thousand eight hundred and thirty-five, entitled "An Act to authorize the sale and conveyance of certain real estate, and for other purposes," as soon as the said Peter Walker shall have filed his account and paid over all the moneys received by him on account of said trust, to the satisfaction of the Orphans' Court aforesaid.

Peter Walker to
be discharged as
trustee.

SECTION 4. That Jonathan G. Walker, of the township and county aforesaid, be, and he is hereby authorized and empowered to execute so much of the trust in the fifteenth section of the act of one thousand eight hundred and thirty-five, above-mentioned, as may have been left unexecuted by the present trustee, after having first entered into recognizance with approved security for the faithful execution of his trust, as the said Orphans' Court may direct: *Provided*, That if the said Jonathan G. Walker should refuse to accept said trust, then the said court shall have power to appoint some other suitable person to execute the trust, who shall give sufficient security for the satisfactory execution thereof.

Jon. G. Walker
to execute trust.

SECTION 5. That the trustees of the Methodist Episcopal Church, of the borough of Berlin, in the county of Somerset, be, and they are hereby authorized to sell by public or private sale, the lot of ground and house thereon erected, now owned and possessed by said congregation as a house of public worship, and that said trustees have full power to make a deed to the purchaser.

Trustees of M.
E. church of
Berlin author-
ized to sell lot
of ground.

SECTION 6. That hereafter it shall be lawful for the qualified voters of the township of Somerset, in the county of Somerset, annually to elect supervisors.

Somerset town-
ship to elect
supervisors.

elect four supervisors of roads and highways for said township, at the time and place now fixed by law for the election of supervisors.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 44.

AN ACT

To confer on Davis Zook, an illegitimate son of Maria Holman, of Chester county, the rights, privileges, benefits, and advantages of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Davis Zook, of West Pikeland township, in the county of Chester, an illegitimate son of Maria Holman, of the same township, shall have and enjoy all the rights, privileges, benefits, and advantages, of a legitimate child of the said Maria Holman, born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been the legitimate child of Maria Holman, born in lawful wedlock.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNTSON.

No. 45.

AN ACT

Providing for the issue of arms to military schools.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Adjutant General to issue arms and accoutrements to the cadets of any military school within the Commonwealth, under the same regulations and restrictions that govern the issue of arms to volunteer companies: Provided, That he shall require satisfactory security for their safe keeping and return when demanded: Provided further, That no issue of arms shall be made as aforesaid, which shall interfere with the issue of arms to volunteer companies. .*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 46.

AN ACT

To incorporate the Strasburgh Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Kencagy, Benjamin B. Gonder, Henry Musselman, John Gyger, George Diffenbach, Henry H. Breneman, Henry Leman, and Jacob Neff, or any five of them, be, and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style, and title, of "The Strasburg Railroad Company," with all the powers, and subject to all the provisions and restrictions prescribed by an act entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine, except so far as the same are herein altered or supplied.* Style.

Capital stock. SECTION. 2. That the capital stock of said company shall consist of one thousand shares of one hundred dollars each.

Location. SECTION 3. That said company shall have the right to build or construct a railroad, beginning at or near Lemon Place, on the Philadelphia and Columbia Railroad, thence to or near the eastern boundary of the borough of Strasburg: *Provided*, That the said railroad shall not, except in deep cuts and fillings, or at points selected for depots, or engine, water stations, or warehouses, exceed three rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner or owners thereof.

May borrow money. SECTION 4. That if a sufficient amount of the capital stock of the company shall not have been subscribed to complete the said railroad hereby authorized to be made, the president and managers may borrow, on such terms as they may deem advisable, any such sum which may be necessary for that purpose not exceeding two-thirds of the stock of the company really subscribed for, and may pledge the fee simple of their property, rights, and privileges, belonging to said company, for the security and repayment thereof.

Rules and regulations. SECTION 5. That it shall and may be lawful for the president and managers from time to time to ordain and establish rules and regulations for the due ordering of all travelling and transportation on the said road, and for its preservation, with power to alter and repeal, enlarge or amend, the said rules and regulations as they may deem expedient, and that they shall have full power and authority to prescribe the kinds and description of cars, carriages, or wagons, to be used on the said road, for the conveyance of passengers and the transportation of the mails, or of goods, wares, merchandize, and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient; and the said company are hereby authorized and empowered, as soon as any portion of the said railroad is perfected, to place thereon cars, carriages, or wagons, constructed as they may deem best adapted for the transportation of passengers, mails, and commodities, and shall have the sole and exclusive right of transportation until the tolls of said road shall yield an average income of six per cent. per annum, when the said company may permit individuals to place such cars, carriages, or wagons thereon, of such construction, and under such limitations and restrictions, as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize, and minerals, at rates as follows, viz. ; on goods, wares, and merchandize, and minerals transported on said railroad, any sum not exceeding an average of one cent per mile for every four-wheeled car, six cents per ton per mile for toll, and four cents per ton per mile for transportation; and for passengers not exceeding one cent per mile toll, and five cents per mile for transportation.

Privileges.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The cleventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 47.

A N A C T

To vacate a portion of Schuylkill Second street, in the county of Philadelphia, and relative to the Aramingo canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of Schuylkill Second street as laid out on the plans of the districts of Spring Garden and Penn, in the county of Philadelphia, by the respective surveyors of said districts, as lays between Parish street, in the district of Spring Garden, and College Avenue, in the district of Penn, be, and the same is hereby vacated: *Provided, That* no damages shall be allowed to the city of Philadelphia for the opening of Poplar street through its property, and that the said city shall be required forthwith to open the same: *And provided further, That* the Commissioners of the district of Spring Garden shall have full power and authority to pitch, curb, pave, and lay the water pipes in the said Poplar street, so far as it extends through the said city property, whenever the said Commissioners shall consider the same necessary; and the cost of pitching, curbing, paving, and laying the water pipes, shall be a lien on the property fronting in said Poplar street, until paid, and the said Commissioners are hereby authorized to recover the same as district claims are now recovered by law.

Part of Schuyl-kill Second street vacated.

Proviso.

SECTION 2. That the Armingo canal (formerly Gunner's Run canal), in the district of Kensington, county of Philadelphia, shall be so altered from its present position, as laid down upon the plan of the eastern section of said district, as to commence at the north-eastern corner of said canal and Beach street, two hundred and eighty-five feet five inches south-eastward from Queen street, and extend thence one hundred feet in width, south twenty-nine degrees twelve and one-half minutes, east three hundred and ninety-six feet to the Delaware water line, and at right angles therewith; and said canal shall be and remain in position as thus altered and defined, any act heretofore made to the contrary, notwithstanding.

Aramingo canal authorized to be altered.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 48.

A N A C T

To authorize John Mosser and Augustus Leiss to purchase certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Mosser, and Augustus Leiss, guardians of John, William, and Emma Scharff, minor children of Isaac Scharff, deceased, are hereby authorized and empowered to purchase from Jacob Royer, for the use of their said wards, a certain tract of land containing fifteen acres and eight perches, lying in Jackson township, Lebanon county, adjoining other real estate of said wards, at and for the sum of one hundred and four dollars per acre, and pay the same out of such moneys as may be in their hands belonging to their said wards.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 49.

A N A C T

To extend the time for the erection and construction of the county prison of Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for the construction of the prison in the borough of Pottsville, by the Commissioners of Schuylkill county, as required by the second section of the act entitled "An Act for the removal of the seat of Justice of the county of Schuylkill, from Orwigsburg to the borough of Pottsville," approved the eighth day of March, A. D., eighteen hun-

dred and forty-eight, be, and the same is hereby extended one year beyond the time limited in the said act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 50.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Washington Coal Company," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pennsylvania Coal Company are hereby authorized to issue, not exceeding six thousand shares, of fifty dollars each, of additional capital of said company, for the purpose of enabling them to complete their works, and to acquire and hold the property and effects now vested in the trustees of the Wyoming Coal Association, which they are hereby authorized to do so, as well as for their general business; and the eighteenth section is hereby amended so as to increase the number of directors of the said company to nine; but all the provisions now in force of the aforesaid act, relating to said company, and of the several supplements thereto, except so far as the same are hereby amended, and the proviso in the twenty-second section, which is hereby repealed, shall continue in force for twenty-five years from the time provided in said act.

Additional powers granted to Pennsylvania Coal Company.

SECTION 2. The said company shall be required to pay to the State Treasurer, for the use of the Commonwealth, a tax of one per centum on the capital stock hereby created, when paid in to be paid in four instalments; the first on the first Monday of July thereafter, and the remaining instalments at intervals of twelve months each.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 51.

A N A C T

To incorporate the Perkiomen Consolidated Mining Company.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Richard P. Remington, Charles Macalester, George Cadwalader, John Price Wetherill, David Longenecker, John J. M'Cahen, and their associates, successors, and assigns, be, and they are hereby created a body politic and corporate, by the name, style, and title of "The Perkiomen Consolidated Mining Company," for the purpose of mining, selling, or smelting copper and lead ores, and erecting the necessary buildings and machinery for such purposes, and as such shall have power to lease or purchase the Perkiomen and Ecton mines, and certain other mines and mining lands, and all other estates of what kind soever, real, personal, or mixed, situated in the counties of Montgomery and Chester, and the same from time to time sell, mortgage, grant, alien or dispose of, and by the same name or title to sue and be sued, plead and be impleaded, and to have a common seal, the same at pleasure to alter or renew, and to establish and execute such by-laws, rules, and ordinances, for the government of the said corporation, as shall be consistent with the Constitution and laws of the United States and of this Commonwealth, and to do all things necessary to promote the objects of this incorporation, according to the true intent and meaning thereof: *Provided*, That the lands held by this company shall not exceed one thousand and sixty-seven acres: *And provided also*, That nothing herein contained shall be construed as conferring upon said company any banking privileges.
- SECTION 2.** That the capital stock of said company shall be three hundred thousand dollars, which may be extended to four hundred thousand dollars, to be divided into such number of shares as the corporators in their by-laws may prescribe, or deem necessary and expedient: *Provided*, That the said company shall pay to the State Treasurer a tax of one per cent. on its capital stock, to be paid in annual instalments of one thousand dollars each, the first to become due and payable within one year from the issuing of letters patent.
- SECTION 3.** That the stock, property, and affairs of the corporation shall be managed by five directors, to be chosen annually from the stockholders. The first election shall be held in the city of Philadelphia, within thirty days after this act shall take effect, of which election public notice shall be given by three of the persons named in the first section, at least two weeks prior thereto, in two or more newspapers printed in the city of Philadelphia, and one newspaper printed in each of the counties of Montgomery and Chester; and the subsequent elections shall be held annually at such convenient time and place as the directors shall appoint, of which two weeks previous notice shall in like manner be given by the president of said company, or any two of the directors; but in the event of a failure to hold such election, the former directors shall continue in office until their successors have been duly

elected. A majority of the directors shall, when met, constitute a board for the transaction of business, and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of said meeting, each share entitling the owner thereof to one vote, but no share shall confer a right of voting which shall not have been transferred three months prior to the day of election, and held by the person in whose name it appears, either in his own right or that of his wife, for his or her sole use, or as executor, administrator, trustee, or guardian, or for the use of some co-partnership society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate Proxies."

Votes.

SECTION 4. That the directors shall appoint one of their number as president, to serve for one year, and shall have power to appoint all other officers and agents of the company, as occasion may require, and they shall also have power to supply vacancies arising from death, resignation, or otherwise, until the next election. It shall be their duty at all times to submit the books and accounts of the company to the inspection of the stockholders, and once in each year a statement of the accounts of the said company shall be made, by order of the directors, and submitted to the stockholders of the company.

Officers.

SECTION 5. That whenever the corporators may deem it necessary and expedient to extend the capital stock of the company, as provided for in section second of this act, it shall be the duty of the directors to call in, on thirty days' notice thereof, by publication in at least one newspaper printed in the city of Philadelphia, and one in each of the counties of Montgomery and Chester, such instalments as they may deem best, not exceeding fifty per cent. of the whole, at any one time and place appointed; and if any instalments on the stock so called in, shall remain unpaid for the space of thirty days after the times so appointed, every such stockholder, or his or her assignee, shall, in addition to the said instalment so called for, pay at the rate of one per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for the space of sixty days from the day upon which said instalment was declared, payable on account of such shares, the same shall be forfeited to the said company, and may be sold by public auction to the best bidder—two weeks' notice having been first given in three daily papers published in the city of Philadelphia; but the president and directors may, at their choice, cause suit to be brought before any alderman, justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Extension of stock.

Forfeiture of stock.

SECTION 6. That this act shall not go into effect until at least two hundred thousand dollars shall have been subscribed for, and actually paid in—notice whereof shall be given to the Governor by at least three of the said subscribers, verified by oath or affirmation, whereupon the Governor shall immediately issue his certificate to the said company, under the seal of the Commonwealth, attested by the Secretary of the Commonwealth, that the said company have complied with the requisition of this act, and that the said company has become a corporation,

Governor authorized to issue certificate of incorporation.

and shall direct said certificate to the persons making such oath or affirmation.

Dividends of profits.

SECTION 7. That dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared and paid to the stockholders or their legal representatives, at the times and in the manner provided by the by-laws; but if the directors shall make any dividend which shall impair the capital stock, the directors consenting thereto shall be liable, jointly and severally, to the said company for the amount so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend, and of his protest.

Term of act.

SECTION 8. That this act shall continue and be in force until the expiration of twenty years from the passage thereof; and it shall be lawful for the Legislature at any time to amend, alter, or repeal the charter hereby created, in such manner, however, that no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 52.

AN ACT

To incorporate the Conewango Plank Road Company.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* G. A. Irvine, C. J. Taylor, Charles Fisher, Eben G. Owen, John J. Berry, John Russel, Guy C. Irwin, Thomas Struthers, Archibald Tam, and R. S. Orr, are hereby appointed commissioners, or any two of them, to open books, to receive subscriptions, and organize a company, by the name, style, and title of "The Conewango Plank Road Company," to construct a plank road from the New York State line to the borough of Warren, and from thence to such other point in the counties of Warren and Elk as the company may deem advisable, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as they are consistent with this act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand shares, of twenty-five dollars per share: *Provided*, The said company may, from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the said road.

SECTION 3. That the company shall commence the road in three Commencement years, and complete the same in six, otherwise this charter shall become and completion void and of no effect. of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 53.

AN ACT

Authorizing the Governor to incorporate a company to erect a bridge over the Susquehanna river, at or near York Furnace, in the county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* for the purpose of erecting a bridge over the Susquehanna river, at or near York Furnace, John Bair, J. J. Porter, Elijah Hegins, William Taylor, Hugh Bingham, Joseph O. Stewart, John Peoples, Daniel Good, John Rawlins, William Carpenter, David Bair, Jacob Huber, David G. Eshleman, Robert Kelton, Henry Stock, or a majority of them, be, and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first Monday of April next, procure a book or books, and enter therein as follows: We, whose names are hereunto subscribed, do promise to pay to the president, managers, and company, to erect a bridge over the Susquehanna river, at or near York Furnace, in the county of York, for the use of said company, the sum of fifty dollars for each share of stock set opposite our names respectively, in such manner and proportions, and at such times and places, as shall be determined by the president and managers in pursuance of an act of the General Assembly of this Commonwealth, entitled "An Act authorizing the Governor to incorporate a company to erect a bridge over the Susquehanna river, at or near York Furnace, in the county of York; witness our hands this day of _____, one thousand eight hundred and fifty- _____" and shall thereupon give notice in two newspapers, one in Lancaster county and one in York county, for three weeks at least, of the time and places when and where

Commissioners

Form of subscription.

- such book or books shall be opened to receive subscriptions for the stock of said company, at which time and places some one or more of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day, for at least two successive days, if so many shall be necessary, and allow any one above the age of twenty-one years to subscribe therein, in his own name, or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares of said stock, until two thousand shares shall be subscribed, when the books shall be closed; but if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary to receive subscriptions as aforesaid, and give such further notice as they shall think proper; and when the subscription shall amount to two thousand shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in said book or books, in his own name, or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners three dollars on every share so subscribed, out of which shall be defrayed the expenses of taking such subscription and other incidental charges, and the remainder, if any there be, shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen as hereinafter directed; such first payment on each share to be taken and considered as part payment on each share subscribed.
- SECTION 2.** That as soon as five hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of "The President Managers and Company of the York Furnace Bridge," and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, or any less estate, all such lands, tenements, hereditaments, and estates, real, personal, and mixed, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and everything which a body politic and corporate may lawfully do.
- SECTION 3.** That any five of the persons named in the letters patent of incorporation, shall, as soon as conveniently may be, after the sealing of the same, give notice in one newspaper printed in the city of Lancaster, and one newspaper printed in the borough of York, of a time and place to be appointed not less than thirty days from the time of giving said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers present by ballot, to be delivered either in person, or by proxy duly authorized, one president, ten managers, and one person for secretary and treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, and regulations not inconsistent with the Constitution and laws of this State or of the United States, as may be necessary for the well-ordering the affairs of the company: *Provided*
- Who may sub-
scribe.
- Proviso.
- Letters patent.
- Style.
- Privileges.
- Organization.
- Officers.

always, That no stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven shares, and one vote for every three shares above eleven and not exceeding twenty shares, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election in determining any question arising at such meetings, whatever number of shares he may have subscribed.

Votes.

SECTION 4. That a public meeting of said stockholders shall be held on the first Monday in January next, following the first election had as aforesaid, and on the first Monday of November, in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of said company.

Annual meeting of stockholders.

SECTION 5. That the president and managers shall procure certificates for all the shares of stock in said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, five dollars on each share, which certificate shall be transferable, either by the owner in person, or by his attorney duly authorized in the presence of the president, or of the treasurer for the time being, subject, however, to the payments due or that may become due thereon; and the person to whom such transfers shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Certificates of stock

Transferable.

SECTION 6. That the president and managers shall meet at such times and places, and shall be convened in such manner as shall be agreed on, for transacting the business of the company, at which meeting a majority shall be a quorum, who in the absence of the president shall choose a chairman *pro tempore*, and shall keep minutes of their proceedings fairly entered in a book to be kept for that purpose; and a quorum being met, they shall have full power and authority to appoint such engineers, assistants, and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the times, manner, and proportions, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work done and labor performed, or materials furnished, which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws of the company shall be committed to them.

Powers and duties of managers, &c.

SECTION 7. That if any stockholder after thirty days' notice in the manner aforesaid, of the time and places appointed for the payment of any proportion, dividend, or instalment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transact-

Forfeiture of stock.

ing the business of the company, the order for that purpose being first entered in the minute book by the clerk of such meeting.

Damages, how
adjusted.

SECTION 8. That before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of the proper county, who, upon such application, are hereby authorized and required to appoint three disinterested and discreet persons of such county, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine so much of the said lands as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the said lands so necessary to be taken as aforesaid, and having estimated the advantages as well as disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return together with a map or draft, describing the bounds of such lands to the said court of Court of Common Pleas; and the said appraisement having been approved by the court, shall be filed in the prothonotary's office, together with the said map or draft, and the said president, managers, and company, having paid to the said owners respectively the several sums awarded to be paid to them, together with the costs of appraisement after the same shall have been confirmed by the court, the said corporation shall be entitled to have, and to hold to them, their successors and assigns, the said lands as fully as if they had been conveyed by their respective owners: *Provided*, That said appraisement shall be held to be confirmed by the court of Common Pleas, unless exceptions be filed by either party within ten days after the same shall have been approved by the court and filed.

Authorized to
enter upon
lands, &c.

SECTION 9. That it shall be lawful for the president and managers, their superintendents, engineers, and workmen, to enter on lands and enclosures near the place where the bridge is to be built for the examination and location of the same, and to cut and carry away any timber, or dig gravel, quarry stone, or gather sand necessary for building said bridge; also to enter thereon with wagons, carts, sleds, sleighs, or beasts of burden or draft, and to take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and making amends for any damage that may be done, or giving security for the payment of the same; and if the parties cannot agree upon the amount of damages that may be done, said damages shall be assessed as road damages are now by law assessed; and where viewers, appointed according to the laws relative to road damages, assess and report damages in favor of the owner or owners of such lands and enclosures, the said president and managers shall pay such damages so assessed together with all the costs of such view; and in case of the refusal of said president and managers to pay the same, the court in which said report of views was filed shall enforce payment thereof by execution, attachment, or sequestration.

Accounts.

SECTION 10. That the president and managers of said company shall keep fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for

delay in payment thereof, and of the amount of the profits or shares which may be forfeited as aforesaid, of all voluntary contributions and of all moneys expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed; and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if in such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the capital stock will not be sufficient to complete said bridge according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription; which additional shares shall entitle the holder to the same rights and privileges as those originally subscribed for.

SECTION 11. That when the said company shall have erected and completed a bridge over the Susquehanna river at the place aforesaid, the property thereof shall be vested in the said company, their successors or assigns, and the said company, their successors or assigns, are hereby empowered to erect gates and to demand and receive tolls for crossing said bridge, at such rates as the president and managers shall from time to time determine: *Provided*, They shall cause to be put up and kept in some conspicuous place, at the gates of said bridge, a list of the rates of toll: *Provided also*, That the bridge shall be so constructed as not to injure or obstruct, in any manner, the navigation of the Susquehanna river. Tolls.

SECTION 12. That if the said company, their successors or assigns, or any person employed for them, shall collect or demand any greater rate or prices for passing over said bridge than what is prescribed in the list of tolls put up at the gate as aforesaid, or neglect to keep said bridge in repair, he or they shall forfeit for every such offence the sum of twenty dollars, to be recovered as debts of a similar amount are recovered, one-half to be paid to the county and the other half to the person who may sue for the same. Penalty for demanding excess of toll.

SECTION 13. That the said president, managers, and company, shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge; and after deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing, and rebuilding of the said bridge that time and accident may render necessary, they shall declare and make a dividend of the balance, and shall semi-annually, on the first week of May and November, publish the dividend to be made of the clear profits arising from the tolls as aforesaid among the stockholders, and the time and place when and where the same shall be paid and shall cause the same to be paid accordingly in ten days thereafter or as soon as the same shall be demanded after the said ten days have expired. Dividends.

SECTION 14. That if any person or persons shall wilfully pull down, break, or destroy, with intent to injure any part or parts of the said bridge, or any toll-house, gates, bars, or other property of the said corporation, erected for the use of said bridge or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place Penalty for injuries to company's works.

for the information of passengers, or shall wilfully or maliciously obstruct or impede the passage on or over the said bridge or any part or parts thereof, he, she, or they, so offending, shall each of them forfeit and pay for each and every such offence to the said company the sum of twenty dollars, to be recovered as other debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern or in some vessel secured so that the probability of setting fire to said bridge shall be fully prevented, or shall discharge any pistol or gun or any fire arms on or near said bridge, he, she, or they, so offending, shall forfeit and pay to the said company the sum of ten dollars each for every such offence, to be recovered as aforesaid; or if any person or persons shall ride or drive his or their horse or horses on or over said bridge in a faster gait than a walk, he, she, or they, so offending, shall forfeit and pay to the said company the sum of ten dollars for every such offence, to be recovered in like manner as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after it shall be known who committed said offence; and he or they so offending shall remain liable to actions at the suit of said president, managers, and company, for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Commencement
and completion
of bridge.

SECTION 15. That if the president, managers, and company for erecting the bridge aforesaid shall not proceed to carry on said work within the space of four years from the passage of this act, and shall not within the space of six years from the passage thereof complete the same, the rights and privileges hereby granted to the said company shall revert to the Commonwealth.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 54.

AN ACT

To incorporate the Birmingham and Brownsville Macadamised Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Larimer, junior, Alexander H. Miller, Oliver Ormsby, John M'Kee, William Cowan, James Brawdy, and William Noble, of the

Commissioners.

Subscription.

Who may sub-
scribe.

Letters patent.

Style.

Privileges.

suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Notice of elections.

SECTION 3. That the notice to be given of the first and all subsequent elections by the stockholders shall be by advertisement in one or more newspapers in the city of Pittsburgh, and the officers shall be a president and six managers, who shall have power to elect a treasurer and such other officers as they may think necessary; and the board of managers first elected shall hold their office until the second Monday of April next ensuing their election, and the second Monday of April shall be the day for the annual election of the stockholders, and four members of the board shall constitute a quorum for the transaction of business.

Organization.

SECTION 4. That the commissioners, or any two of them named in the letters patent, shall, as soon as conveniently may be after issuing of the same, give notice in one or more of the newspapers published in the city of Pittsburg, at a time and place to be by them appointed, not less than ten days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize; the said company shall choose by a majority of the said subscribers, by ballot, in person, one president, six managers, and such other officers as may be necessary to conduct the business of said company until the second Monday of April following, and until such other officers shall be chosen and organized agreeably to the provisions of this act, and shall and may make such by-laws, orders, and regulations, not inconsistent with the Constitution and laws of this Commonwealth or of the United States, as shall be necessary for the well-ordering of the affairs of said company, and shall have power to lay out, construct, and complete a macadamised turnpike road from East Birmingham, in the county of Allegheny, starting at Josephine street, thence by the nearest and best route by way of the public House of S. D. Pryor, to Findleyville, in Washington county, and following, as near as practicable, the course of the old Brownsville road: *Provided*, That the president and managers of the said company shall be, and they are hereby authorized and empowered to construct a plank road on such parts of said road as they may consider expedient.

Officers.

Location.

Certificates of stock.

SECTION 5. That the president and managers shall procure certificates to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificates shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate—having first caused the assignment to be entered in the book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Transferable.

Forfeiture of stock.

SECTION 6. That if after thirty days' notice in one or more of the public newspapers printed in the city of Pittsburg, of the time and place appointed for the payment of any proportion or dividend of the said capital stock in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for the space of thirty days after the time appointed, every such stockholder or his assignee, shall, in addition to the dividends so called for,

pay at the rate of one per cent. per month for delay of such payments; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

SECTION 7. That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met four members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendants, and other artists and officers, as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and the manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries and wages of persons by them employed, and for labor done and materials provided in the prosecution of the work; which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary; and generally to do all such other acts, matters, and things, as by this act and the by-laws, rules, orders, and regulations of the company shall be committed to them. Powers of said company.

SECTION 8. That the said road shall be not less than fifty and not more than sixty feet wide; and at least twenty-four feet thereof shall be made a good and substantial macadamized turnpike road, to secure, as near as the materials will admit of, a firm and even surface, and so nearly level in its course as that it will in no place rise or fall more than will form an angle of five degrees with a horizontal line. And so soon as said road shall have been completed as far as Mount Oliver, the said company is hereby authorized to erect and fix a gate and turnpike upon and across said road, sufficient to collect the toll and duty hereinafter granted to said company, from all persons travelling on the same with horses, cattle, carriages, carts, wagons, and other vehicles, and animals. Width of road. Tolls. And when the said road shall have been completed for the remainder of the distance, the said company shall and may erect and fix so many gates and turnpikes upon and across said road as shall be necessary and sufficient to collect the tolls and duty hereinafter granted to said company from all persons travelling on the same as aforesaid; and the said company shall have like rights, privileges, and remedies, as to taking and collecting toll, as are granted in the act entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine; and the thirteenth section of said act is hereby extended to the company to be formed under this act, and the Legislature shall have power to alter the rate of toll fixed by this act, and the managers of said company shall lessen the same whenever they shall believe it necessary for the welfare of the said company, or the community at large.

SECTION 9. That the provisions of the sixth, ninth, tenth, and nineteenth sections of the act aforesaid, entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, are hereby extended to the company to be formed under this act, and are incorporated and made part of this act, so far as the same are applicable to the road herein provided for: *And provided*, That said company shall be Proviso. Provisions of certain act extended to this company.

authorized to charge on all wagons and carts transporting coal, stone, or bricks, one-half more toll than they are hereby authorized to charge in cases of other wagons and carts.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 55.

AN ACT

To incorporate the Wilkesbarre and Scranton Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. John N. Conyngham, Luther Kidder, Henry M. Fuller, Asa Packer, William C. Reynolds, Thomas D. Phelps, Andrew Bedford, George W. Scranton, Warren J. Woodward, Ziba Bennett, George P. Steele, Edmund Taylor, J. J. Slocum, Hendrick B. Wright, and H. W. Nicholson, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Wilkesbarre and Scranton Railroad Company," with all the powers and subject to all the provisions and restrictions prescribed by an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Style. Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of eight thousand shares of fifty dollars each.

Location. SECTION 3. That said company shall have the right to build and construct a railroad from the village of Scranton to the borough of Wilkesbarre, in the county of Luzerne, by such practicable route and moderate grades as will, in the opinion of the president and directors of said company, most conduce to the public interests, and to connect with any railroad or other public improvement that now is or may be constructed at either end, or at any intermediate point in the line and route thereof, with the power to extend a branch or lateral railroad or railroads to any points in the Wyoming valley deemed useful and expedient to said company.

SECTION 4. That whenever any section or sections of five miles of said road shall be completed, the said company may use, employ, and enjoy the same in the same manner as when the entire length thereof shall be constructed.

SECTION 5. That whenever the parties cannot agree upon the Damages, how damages claimed either for lands or materials taken by the said company in the prosecution of their work, the said company may tender a bond, and proceed in all respects as is provided and specified in the second section of the act entitled "A supplement to the act incorporating the Pennsylvania Coal Company," approved the seventh day of March, Anno Domini, one thousand eight hundred and forty-nine.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 56.

A N A C T

Relative to costs in the case of the Commonwealth vs. Henry Cronister, of Adams county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the penalty recovered in the case of the Commonwealth of Pennsylvania vs. Henry Cronister, of Adams county, as is necessary to pay the Commonwealth, witnesses, and costs, incurred in prosecuting said action, shall be paid by the treasurer of said county on orders drawn by the commissioners thereof, as in other cases.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 57.

AN ACT

To authorize John Light, S. S., and Thomas Light, to sell a certain church building in Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Light, S. S., and Thomas Light, be, and they are hereby authorized to sell at public sale a certain brick church building, known as the "Old United Brethren Church," in North Lebanon township, Lebanon county, and apply the proceeds thereof to the payment of a debt incurred in erecting a new church in the borough of Lebanon, named the "Salem Church of the United Brethren in Christ."*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 58.

AN ACT

Providing for the publication of the Colonial Records, and other original papers in the office of the Secretary of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Secretary of the Commonwealth be, and he is hereby authorized and required to continue the printing of the minutes of the proprietary government and council of safety, down to the adoption of the Constitution in the year one thousand seven hundred and ninety, from the point at which the third volume of the Colonial Records terminates, in the same shape and style in which the volumes of the Colonial Records already printed are published, each volume to contain not less than eight hundred pages, and that the number of copies of each volume shall be fifteen hundred.

Secretary of the Commonwealth authorized to continue the printing of the Colonial Records.

SECTION 2. That it shall be the duty of the Secretary of the Commonwealth immediately after the passage of this act, to invite proposals for the publication of the records aforesaid, giving public notice for at least one month in two papers published in Philadelphia, Pittsburg, and Harrisburg, which proposals shall state the price per volume, and shall include the faithful and literal transcribing of the records aforesaid, under the superintendence of the secretary, the publication and binding in a manner uniform with and not inferior to the volumes of the Colonial Records already published, finding all material, and the delivering of them to the Secretary of the Commonwealth; which proposals shall be opened at the time appointed by the secretary, in the presence of the Governor, Auditor General, and State Treasurer, who shall then, with the secretary, proceed to allot the contract to the lowest and best responsible bidder: *Provided*, That before assigning the contract as aforesaid, the successful bidder shall enter into bond to the Commonwealth, with two or more sufficient sureties, in the sum of ten thousand dollars, conditioned for the faithful fulfilment of his contract, which bond shall be approved by the Governor before being received.

Proposals for
the publication
of the record.

SECTION 3. That it shall be the duty of the Secretary of the Commonwealth so soon as the entire number of copies of any one volume shall have been delivered into his office, to certify that fact to the Governor, who shall then draw his warrant on the State Treasurer for the amount due the contractor according to the contract, which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That the secretary shall not certify as aforesaid, until upon examination he be satisfied that the contract has been carried out in accordance with the true intent and meaning of this act, and especially that the volume, as published, is a faithful and literal copy of the original.

Further duties
of the Secretary
of the Common-
wealth.

SECTION 4. That any number not exceeding one thousand out of the fifteen hundred copies of the work directed to be printed, shall be disposed of by subscription, to be opened at the several county treasuries of the Commonwealth at the price of one dollar per volume, the proceeds of which shall be paid into the State Treasury, and be applied to the continuation of the work.

Subscription for
said work.

SECTION 5. That two hundred copies of said minutes, when printed and bound, shall be placed in the hands of the Governor, to be by him distributed among learned societies and public libraries in other States of this Union, at his discretion. That five copies shall be presented to the American Philosophical Society, the Historical Society, the Philadelphia Library, the Franklin Institute, and Philadelphia Athenæum, each, and one copy to each of the several colleges and public libraries in the State, one to each member of the present Legislature, and ten copies shall be deposited in the State Library, and one copy in each of the record offices of the Commonwealth.

Certain number
of copies to be
distributed
among learned
societies, &c.

SECTION 6. That the Governor is hereby authorized and required to appoint some competent person, whose duty it shall be to select for publication such of the original documents, letters, treaties, and other papers, prior in date to the peace of one thousand seven hundred and eighty-three, now preserved in the secretary's office, as may be deemed of sufficient importance to be published; and to arrange them according to date and subject in one or more volumes, not exceeding five of the size of the Colonial Records heretofore printed, which shall be called "Pennsylvania Archives."

Governor au-
thorized to ap-
point a compe-
tent person to
select original
documents, &c.,
for publication.

SECTION 7. That so soon as the said papers are prepared for publication in such manner as to meet the approval of the Governor and Secretary of the Commonwealth, the Governor shall draw his warrant

Compensation.

on the State Treasurer in favor of the person so appointed as aforesaid, for a sum not exceeding one thousand dollars, as a full compensation for the services directed to be performed by this act, which shall be paid out of any moneys in the treasury not otherwise appropriated.

Number of copies authorized to be printed.

SECTION 8. That it shall be the duty of the Secretary of the Commonwealth, immediately after the Pennsylvania Archives as aforesaid are prepared for publication, to procure the printing of fifteen hundred copies of the entire series immediately in the same manner, and under the same restrictions, as are provided in the second and third sections of this act, in reference to the publication of the Colonial Records.

Distribution of the Pennsylvania Archives.

SECTION 9. That when published, the Pennsylvania Archives shall be distributed in the same manner as is provided in the fourth and fifth sections of this act, in reference to the Colonial Records.

Repeal.

SECTION 10. That so much of any act of assembly as conflicts, or is inconsistent with the foregoing provisions of this act, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—February fifteenth, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 59.

AN ACT

To incorporate the town of Bernville, in the county of Berks, into a borough.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Bernville, in the county of Berks, and territory included within the following boundaries, to wit: Beginning at a stone in line of land being church property, and land late of Henry Filbert, deceased; thence south twenty-eight degrees and one-half; east one hundred and twenty-three and two-tenth perches, to a stone, corner of the old town plot of Bernville; thence south sixty-one and one-half degrees; west thirty-six perches and six-tenths, to a stone, another corner of the old town plot; thence north twenty-eight and one-half degrees; west one hundred and twenty-three and two-tenth perches, to a stone, corner of Reverend John Charles Smith's land; thence north sixty-one and one-half degrees; east thirty-six and six-tenth perches to the place of beginning, is hereby erected into a borough, to be called and styled the borough of Bernville.

Style.

Subject to the provisions of certain act.

SECTION 2. That all the provisions of an act entitled "An Act to incorporate the town of New Buffalo, in the county of Perry, into a borough," passed the eighth day of April, one thousand eight hundred

and forty-eight, from the second section inclusive, be extended to the borough of Bernville: *Provided*, That in the stead and place of the names William Jackson, Abraham Varnes, Joseph B. Knouff, there be substituted the names of William E. Huber, Benjamin Himmelberger, and Josiah Yeager: *And provided further*, That in place of the words "borough of New Buffalo," "township of Buffalo," and "county of Perry," wherever they occur in the aforesaid act, shall be substituted respectively, the words "borough of Bernville," "township of Penn," and "county of Berks." Proviso.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 60.

AN ACT

To authorize the executors of William West, and the executors of Sarah F. Lewis, deceased, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That James West, Mordecai D. Lewis, Eliza H. West, and Joshua T. Jeanes, the executors named in the last will and testament of William West, late of the city of Philadelphia, and the survivors or survivor of them, be authorized to sell or let on ground rent, and convey in fee simple, clear of all trust or charges, any of the undivided real estate of said testator, and to divide and pay, or hold in trust, the proceeds thereof, for the purposes and uses for which such real estate is now held under said will, without further obligation on the part of the purchasers to see to the application of the purchase money, than that the trust shares shall be once invested upon the proper trusts thereof in ground rents reserved or purchased in real securities or loans authorized for trust investments by the statute laws of Pennsylvania, to be made to appear by the approval thereof by the Orphans' Court for the city and county of Philadelphia, and the certificate of the clerk that evidence of such investment having been made was produced to him. Executors of the last will of William West, authorized to sell real estate.

SECTION 2. That the executors and trustees named in the will of Sarah F. Lewis, deceased, late wife of Mordecai D. Lewis, of the city of Philadelphia, to wit: The said Mordecai D. Lewis, James West, and Eli K. Price, and the survivors or survivor of them, be authorized to sell or let on ground rent, any of the real estate devised or appointed by said will, and now held in trust for said testatrix' children for life, with power of appointment in them of the remainder in fee unto any Executors and trustees named in the will of Sarah F. Lewis, authorized to sell certain real estate.

purchaser or purchasers, and to convey the same absolutely and in fee simple discharged of the said trust, and to invest the proceeds in ground rents to be reserved or purchased, or in real securities or such loans as are authorized for trust investments by the statute laws of Pennsylvania on the trusts of said will, which being once invested by said trustees, shall exonerate the purchasers from all further responsibility, the proof whereof shall be evidenced by the certificate of the clerk of the Orphans' Court of the city and county of Philadelphia, that said court had approved of the investment, and that the same had been produced to said clerk.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 61.

AN ACT

To authorize the Pittsburg and Steubenville Turnpike Road Company to plank a portion of their road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and directors of the Pittsburg and Steubenville Turnpike Road Company, are hereby authorized to plank said road or such portion of the same as in their judgment may be necessary.

SECTION 2. That said president and directors are hereby authorized to charge upon all persons not using so much of said road as to require them to pass through any toll gate kept by said company, but crossing upon the bridge recently erected by them over Saw Mill Run, on the bank of the Ohio river, such rate of toll as they shall establish, not to exceed one cent for each horse so crossing said bridge; and that so much of any act or acts of Assembly heretofore passed, as interferes herewith, be, and the same is hereby repealed.

Additional powers granted to the Pittsburg and Steubenville Turnpike Road Company.

Further powers.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Stewart Turbett, John M. Pomroy, Samuel Okeson, Wilson Laird, John Ash, John Kepner, and George J. Cuddy, of Juniata county, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first Monday of June next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay to the Perrysville Bridge Company, for the use of the said company, of twenty-five dollars for each share of stock set opposite our names respectively, in such manner and proportions, and in such times and places, as shall be determined by the president and managers, in pursuance of an act of the General Assembly of this Commonwealth, entitled 'An Act to authorize the Governor to incorporate the Perrysville Bridge Company.' Witness our hands this _____ day of _____, 18____.

SECTION 2. That when two hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers,

Letters Patent.	and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of the State, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style, and title,
Style.	of "The Perrysville Bridge Company;" and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act; and of purchasing and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple or any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic or corporate may lawfully do.
Privileges.	
Organization.	SECTION 3. That the first five persons named in the letters patent, as soon as conveniently can be after receiving their charter, shall give notice in one or more of the public papers in the county of Juniata, of a time and place by them appointed, not less than fifteen days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall by a majority of votes of said subscribers present by ballot, to be delivered in person or by proxy duly authorized, elect one president, six managers, one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed, and may make such rules, orders, regulations, and by-laws, not inconsistent with the laws of this Commonwealth, as shall be found necessary for the well ordering of the said company, and generally to have all the powers, authorities, and privileges necessary for erecting, maintaining, and keeping in repair the said bridge.
Public meetings of Stockholders.	SECTION 4. That a public meeting of the stockholders shall be held annually, at such time and places as shall be fixed by the rules and by-laws of said company, for the purpose of choosing officers for the ensuing year, and the transacting of such business as shall come before them: <i>Provided</i> , That no person shall have more than ten votes at any election, or in determining any question arising at any meeting, whatsoever number of shares he may be entitled to, and that every person shall be entitled to one vote for every share under four shares, and one vote for every two shares under ten shares, and one for every four shares, and one vote for every five shares over ten, to ten votes, and no more.
Votes.	
Certificates of stock.	SECTION 5. That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer, in part, for the sum due thereon, five dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject, however, to the payment due or growing due thereon, and the person to whom the transfer shall be
Transferable.	

made shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities

SECTION 6. That the said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws, at which meeting a majority shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their proceedings and transactions, truly inserted in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same, or any part thereof; they shall also determine the time, manner, and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work or materials, or on accounts of contracts, which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk, and also to do all matters and things as by this or the by-laws of the said company shall be committed to them.

Duties and powers of the President and Managers.

SECTION 7. That if any stockholder, after thirty days' notice given in one or more newspapers in said county, of the time and place appointed for the payment of any instalments of said capital stock, shall neglect to pay such instalments at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Forfeiture of stock.

SECTION 8. That whenever it shall appear to the said president, managers, and company, at any general or special meeting that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Increase of capital stock.

SECTION 9. That when a safe passage may be had across said bridge, the property shall be vested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates and to demand and receive tolls not exceeding the following rates, viz.: for every carriage of whatever description, and for the purpose of trade or agriculture, having four wheels for each horse drawing the same, ten cents; for every carriage having two wheels for each horse drawing the same, six and a-fourth cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels for each horse drawing the same, twelve and a-half cents; for every dearborn wagon drawn by one horse, twelve and a-half cents; for every chair or other two wheeled carriage of pleasure for each horse drawing the same, twelve and a-half cents; for every sleigh or sled drawn by four horses, twenty-five cents; for every sleigh or sled drawn by three horses, twenty cents; for every sleigh or sled drawn by two horses, eighteen and three-fourth cents;

Rates of toll.

for every sleigh or sled drawn by one horse, twelve and a-half cents; for every horse, mare or gelding, mule or ass, without a rider, four cents, and with a rider, six cents, and a-fourth for every carriage drawn by oxen, or partly by oxen, and partly by horses or mules, or asses, to be rated in the proportion of two oxen for one horse; and in all cases a mule shall be rated the same as a horse; for every score of sheep or swine, twelve and a-half cents; for every head of cattle, two cents; for every foot passenger, six and a fourth cents: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and not drawn by more than six horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing said bridge, laden with more than four tons, to an amount not exceeding treble the above rates and grade, the rate of horses drawing the same. *And provided also*, No tolls shall be demanded from any persons attending funerals, divine worship, schools, or going to or returning from any militia trainings, and persons going to and from elections.

Penalty for demanding excess of toll.

SECTION 10. That if the said company or their successors, or any person or persons, by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days' notice given by a justice of the peace of the said county, the person offending shall for every offence forfeit and pay the sum of five dollars, to be recovered as debts of the same amounts are by law recoverable, one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Dividends of profits.

SECTION 11. That the said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting cost, expenses, and charges, shall, on the first Monday of November, every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper to form a contingent fund for the purposes of repairing and rebuilding the said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

Toll collectors to give security.

SECTION 12. That it shall be lawful for the president and the managers aforesaid, to cause the toll collector or collectors to give such security for the payment of the tolls to the said president and managers or treasurers, as they may designate, and such conditions for the faithful discharge of his duty as they shall deem proper.

Penalty for injuries to company's works.

SECTION 13. That if any person or persons shall wilfully pull down, break, injure, or destroy, any part or parts of said bridge, or any toll house, gates, bars, or any other property of the said corporation appertaining to, or erected for the use and convenience of said bridge, or of the person employed for the purpose of attending to the same, or shall

wilfully, without the consent or order of the said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge or any part or parts thereof, he, she, or they, so offending, shall each of them pay, forfeit, and pay for each and every such offence to the said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern or in some vessel secured, so that the possibility of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol or gun, or any fire arms on or near the said bridge, so that the bridge might possibly be set on fire or injured by said cause, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence; and he, she, or they, so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damages.

SECTION 14. That if the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, it shall and may be lawful for the Legislature of this Commonwealth to resume all and singular the rights, liberties, and privileges, hereby granted to the said company: *Provided*, That the president and managers shall annually, in the month of January, publish in one or more newspapers a full account of the cost of building and repairing said bridge, and the amount of toll received. Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 63.

AN ACT

To prohibit the sale of spirituous, vinous, and malt liquors in Washington county, and to restrain the sale of spirituous liquors in the borough of Elizabeth, in Allegheny county.

Sale of spirituous liquors, &c., prohibited in Washington county. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, no spirituous, vinous, or malt liquors, except for medicinal, mechanical, or sacramental purposes, shall be sold, vended, or disposed of in any manner, by any person, at any place within the county of Washington.

Penalty for violation of this act. SECTION 2. Any person who shall vend or dispose of any spirituous, vinous, or malt liquors, within the county aforesaid, shall, for every such offence be liable to a prosecution for keeping a tipling house, and shall upon conviction be sentenced to pay such fine as is by law now inflicted upon persons convicted for keeping tipling houses.

License for keeping an inn. SECTION 3. That any person may keep an inn or house for the entertainment of strangers and travellers, within the county of Washington, upon paying to the county treasurer the sum of five dollars, for the use of the Commonwealth.

Duty of County Treasurer. SECTION 4. That it shall be the duty of the county treasurer of said county to license a sufficient number of persons, the same being store keepers or apothecaries, not exceeding three in the borough of Washington, and two in any other borough or township, to sell vinous and spirituous liquors for medicinal, mechanical, and sacramental purposes, but for no other purpose whatever: *Provided,* That before said license shall be issued by the county treasurer, the applicant shall pay to the said treasurer, for the use of the Commonwealth, the sum of five dollars.

Pay of County Treasurer. SECTION 5. That the treasurer shall be entitled to receive for every license issued by him in pursuance of this act, the sum of fifty cents, to be paid by the person applying for the same.

Further duties of County Treasurer. SECTION 6. That it shall be the duty of the county treasurer of said county to institute a suit before any alderman or justice of the peace, in the name of the Commonwealth, within the months of June and December in every year, against each delinquent retailer aforesaid for the amount of the license payable agreeably to this act, adding thereto ten per cent. as a further compensation to the treasurer for his trouble in suing for and recovering the same; and upon judgment being obtained or entered against any person or persons refusing or neglecting to pay the amount of said license executions, shall issue for the amount thereof, with the addition of ten per cent., together with costs of suit: *Provided,* That either party shall have the right of appeal as in other cases.

Repeal. SECTION 7. That so much of the act of the eleventh of March, one thousand eight hundred and thirty-four, entitled "An Act relating to inns, taverns, and retailers of vinous and spirituous liquors," or any other act inconsistent with the provisions of this act, be, and the same is hereby repealed, so far as relates to the said county of Washington.

SECTION 8. That it shall not be lawful for any tavern keeper or re- To prevent the
tailer of merchandize, in the borough of Elizabeth, Allegheny county, sale of liquors
or within one mile thereof, to sell any intoxicating drinks on Sunday, in the borough
except for medicinal purposes. of Elizabeth, on
Sunday.

SECTION 9. That any person who shall sell, vend, or dispose of any Penalty.
intoxicating drinks within the borough and district aforesaid, shall, for
every such offence, upon conviction, pay a fine of not less than ten nor
more than twenty dollars, with costs of suit, to be recovered before any
justice of the peace residing within said borough, one-half of such fine
shall go to the person suing for the same, and the other half to the
county of Allegheny.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand
eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 64.

AN ACT

To erect the village of Callensburg, in the county of Clarion, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representa-
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same.* That
the village of Callensburg, in the county of Clarion, shall be set apart
and be separate from the township of Licking in said county, and the
same shall be, and is hereby erected into a borough, which shall be
called "The borough of Callensburg," bounded, limited, and described Style.
as follows, to wit: Commencing at a post thence south ninety-two and
one-half perches to a white oak, thence west one hundred and three Boundaries.
perches to Licking creek, thence down said creek seventy-four perches
to a white oak, thence north sixty perches to a tree, thence east forty-
two perches to a post, thence north twenty-one and one-fourth perches
to a post, thence east one hundred and thirty-four perches to the place
of beginning.

SECTION 2. That the provisions of the act of Assembly, passed June Provisions of
twelfth, one thousand eight hundred and thirty-nine, as well as the certain act ex-
provisions of all existing general laws with regard to the electing of tended to said
officers in boroughs, shall be extended to the borough of Callensburg. borough.

SECTION 3. That the qualified voters of said borough shall meet Elections.
at the school house in said borough, between the hours of one and seven
o'clock, P. M., on the third Friday of March next, and on the third
Friday of March, in each and every year thereafter, and elect by ballot
all officers necessary for said borough. Samuel Kifer shall act as judge,

and George Daugherty and William F. Cartright shall act as inspectors, of said first election, and said inspectors shall appoint each one clerk, which judge, inspectors, and clerks, shall take and subscribe the usual oath of office according to existing laws: *Provided*, That all road tax levied and collected for the present year, shall be appropriated in the same way as though this act had not passed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 65.

AN ACT

Relative to Supervisors in the counties of Bucks, Pike, and Schuylkill.

Election of supervisors in Solebury township, Bucks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall be lawful for the qualified voters of Solebury township, in the county of Bucks, at the time and place of holding their township elections, to elect three persons in said township of Solebury, annually, to serve as supervisors of highways, for the term of one year from and after their election: *Provided however*, That one of the persons so elected shall reside above, or north of the upper York road, in said township; and one between the upper and lower York roads, and one below, or south of the lower York road, in said township; all of said supervisors to be subject to and governed by the same laws and regulations which now govern and regulate supervisors of highways.

Delaware township, Pike county.

SECTION 2. That from and after the passage of this act it shall be lawful for the qualified voters of Delaware township, Pike county, at the time and place of holding their township elections, to elect four persons in said township of Delaware, annually, to serve as supervisors of highways, for the term of one year from and after their election.

New Castle township, Schuylkill county.

SECTION 3. That from and after the passage of this act, the qualified electors of New Castle township, in the county of Schuylkill, shall elect but one supervisor instead of two, and that he shall give bond with security to the auditors of said township, in the name and for the use of said township, for the faithful performance of his duties; and the said supervisor shall, after having given at least ten days' notice, by putting up not less than three written or printed advertisements in as many public places in said township, give out by public outcry to the lowest and best bidder, the making of the public roads in said

township; payment to be made to the contractor or contractors, as the same shall be from time to time collected from the road taxes: *Provided*, That the supervisor shall, and hereby is required to visit and inspect the making and repairing of the public roads in said township, at least three times during every month, and be fully satisfied before payment be made, that the contractors have fully complied with his or their contracts; for which services so rendered, the said supervisor shall receive a compensation not exceeding fifty dollars, to be determined by the auditors of said township.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 66.

A SUPPLEMENT

To an act entitled "An Act regulating election districts," approved the tenth day of February, one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William M. Johnston shall act as judge, and Thomas Gourley and James Means as inspectors, of the spring election to be held in Perry township, Jefferson county, in pursuance of the twenty-fifth section of the act to which this is a supplement, and that said election shall be held on the fourth Monday of February, one thousand eight hundred and fifty-one.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 67.

A SUPPLEMENT

To the act entitled "an An Act to incorporate the Penn Mutual Life Insurance Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all persons who shall hereafter insure with the Penn Mutual Life Insurance Company of Philadelphia, and continuing to be insured therein, shall thereby become members during the period they shall remain insured by the said corporation, and no longer.

Persons insur-
ing with the
Penn Mutual
Life Insurance
Company to be-
come members,
&c.

Votes at elec-
tions.

SECTION 2. That at elections for trustees, each insured member for any sum not less than one dollar, paid in or secured as a premium of insurance to said company during the year preceeding said election, shall have one vote, and for every additional fifty dollars so paid, one other vote.

May invest
funds in bonds,
&c.

SECTION 3. That it shall be lawful for the said corporation to invest their premiums, profits, and capital, in bonds and mortgages, ground rents, stocks, and loans of the United States and State of Pennsylvania, and also in all stocks created by or under the laws of the United States or of this State, or of any of the other States of the Union, and to lend the same upon the security of such stocks, and to sell, transfer, and change the same, and to invest the funds of said corporation when the trustees shall deem the same expedient.

May invest in
loans, &c.

SECTION 4. That it shall also be lawful for the said corporation to lend or invest, not exceeding fifty per cent. of their funds in loans or stocks of an incorporated city, district, or borough, or other good securities, and the same to sell, transfer, change, or reinvest, as the trustees may deem proper.

Annual state-
ment of affairs.

SECTION 5. That the officers of said company shall on the first Monday in January of each year, or as soon thereafter as may be practicable, cause a statement to be made of the affairs of the company; and if after paying all losses and expenses of the said company, and providing for outstanding risks for the year preceeding the same, there remain a surplus, each member shall be entitled to such a proportion of the said surplus as the cash premiums paid by such members may bear to the aggregate surplus so declared; the statement so made shall be binding upon all persons entitled to receive certificates as hereinafter mentioned; for the proportionate share of each member so ascertained, a certificate shall be issued declaring him or them to be entitled to such a portion of the accumulated capital of the company, such certificates to be construed and governed as hereinafter mentioned; but no certificate shall be redeemed or paid off, until the assets of the company amount to four hundred thousand dollars; no certificate shall be issued for a less amount than ten dollars, or for any fractional part of ten dollars. Whenever the accumulated capital shall exceed four hundred thousand dollars, the excess may be applied from year to year thereafter, towards the redemption of each years certificates in whole or in part, as may be determined on by the board of trustees, provided the assets of the com-

pany exceed the value of the policies in force, to an amount equal to the dividend or certificates to be paid off; but the certificates of a subsequent year are not to be redeemed until those of a preceding year are provided for; the trustees may at their discretion declare and pay interest on such certificates, at a rate not exceeding six per cent. per annum.

SECTION 6. That in case of the death of any member of the said company, the amount of the policy in his name shall be paid to the party entitled thereto by the terms thereof, within sixty days thereafter; the certificates of dividend standing in his name or to his credit, shall also be transferred at the same time to the person legally entitled thereto, except that in the case of any husband insuring his life for the benefit of his widow; in all such cases the said certificates shall be transferred to the widow. But the profits and accumulation standing to the credit of such persons as have ceased to be members by non payment of premiums, or a renewal of their policies, agreeably to the by-laws, shall be deemed forfeited for the use of the corporation.

Payment of policies in cases of death, &c.

SECTION 7. That the sections of the act entitled "An Act to incorporate the Penn Mutual Life Insurance Company, and numbered respectively sections four, eight, twelve, fourteen, and fifteen, be, and the same are hereby repealed."

Repeal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 68.

AN ACT

Relating to supervisors, changing the road laws in certain counties, regulating certain election districts, and increasing the number of commissioners in the district of Penn, in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for the qualified voters of South Mahoning township, in the county of Indiana, at the time and place of holding their township elections, to elect one person in each school district in said township to serve as supervisors in their respective districts for which they shall be elected, for the term of one year from and after their election.

Election of supervisors in Mahoning township, Indiana county.

SECTION 2. That the said supervisors shall receive, as a compensation for their services, one dollar each, to be paid out of the road funds of

Compensation.

their respective districts, for each and every day by them necessarily spent attending to the duties of their office, any other law to the contrary notwithstanding.

Blacklick township, Indiana county.

SECTION 3. That hereafter it shall be lawful for the qualified voters of Blacklick township, in the county of Indiana, at the time and place of holding their township elections, to elect four persons to serve as supervisors of the roads in said township; two of said supervisors shall reside south of Blacklick creek, in said township, and two shall reside north of said creek.

Settlement of accounts by supervisors.

SECTION 4. That the supervisors elected under the provisions of the foregoing sections, shall settle their accounts as other supervisors in said county, and be subject to all the penalties of the road laws of this Commonwealth, so far as relates to said county.

Borough and township of Connellsville divided into separate election districts.

SECTION 5. That the borough and township of Connellsville, in the county of Fayette, be, and the same are hereby divided into two separate election districts; and the qualified electors residing within the limits of the borough aforesaid, will meet at their usual place of holding their spring and general elections; and the qualified voters of the township of Connellsville shall hold their spring and general elections at the South-east window in school house number two, in the borough of Connellsville.

Election of assessors, &c. in said township.

SECTION 6. That the qualified voters of the township of Connellsville, in the county aforesaid, shall elect their own supervisors of roads, and assessors of taxes, and do all other acts as citizens of other separate election districts have of right to do: *Provided*, Nothing in this act shall be so construed as to interfere with the school districts as are now established.

Increase of road districts in Auburn township, Susquehanna county.

SECTION 7. That the supervisors of Auburn township, Susquehanna county, are hereby authorized to increase the road districts to any number, not to exceed twenty-eight, in the same manner as prescribed in section first of an act entitled "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," approved the third day of March, one thousand eight hundred and forty-seven.

Tremont township, Schuylkill county.

SECTION 8. That hereafter but one supervisor shall be elected in the township of Tremont, in the county of Schuylkill, who, together with the auditors of said township, shall determine, levy, and assess the amount of road tax required for each year; and they shall jointly appoint a collector of said tax, and shall require from him sufficient bond and security, to be approved by them, for the faithful performance of his duties. The said collector shall from time to time, as he shall receive the same, pay over the amount of tax collected by him to the said auditors, who shall pay all orders drawn upon them, first being satisfied that such orders are drawn for the payment of proper and well-established claims.

Repeal of an act relating to path-masters in Choconut and Middletownships, be, and the same is hereby repealed, so far as the same relates to the township of Choconut.

SECTION 9. That an act relating to path-masters in the townships of Choconut and Middletown, in the county of Susquehanna, passed the eighteenth day of March, one thousand eight hundred and forty-six, be, and the same is hereby repealed, so far as the same relates to the township of Choconut.

Authorizing additional commissioners for the District of Penn in the county of Philadelphia.

SECTION 10. That on the third Friday of March next, the qualified voters of the district of Penn, in the county of Philadelphia, shall elect six commissioners in addition to those now authorized by law to be annually elected. Two of said additional commissioners shall be elected for one year, two for two years, and two for three years. That annually thereafter the qualified voters shall, on the third Friday of

March, in each and every year, elect five commissioners, who shall serve for a term of three years.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 69.

AN ACT

To enable J. H. Markland, trustee, &c., of Ann Mary Markland, to sell certain real estate.

WHEREAS, John Henry Markland, of the city of Philadelphia, is seised in fee under the last will and testament of his father, John Markland, late of the city of Philadelphia, deceased, of a certain messuage or tenement and lot of ground, situate on the north side of Sassafra street, at the distance of eighty-nine feet seven inches eastward from Delaware Ninth street, containing in front or breadth on said Sassafra street, seventeen feet three inches, and in length or depth northward, one hundred feet (being the same premises which Jacob Perkins and wife, by indenture, dated February the twenty-seventh, Anno Domini, one thousand eight hundred and twelve, in deed book G. S., number thirty-two, page two hundred and twenty-five, &c., granted and conveyed to the said John Markland, in fee), two-third parts thereof in his own right, and the remaining third part as trustee for his sister, Ann Mary Markland, for life; which said last-mentioned third part thereof is by the said will devised to the issue of the said Ann Mary Markland, and in case she should depart this life without leaving any such issue her surviving, the whole estate in the said premises, legal and equitable, is by the terms of the said will vested in the said John Henry Markland. Preamble.

And whereas, The said Ann Mary Markland is now upwards of sixty-two years of age, unmarried, and without children, so that the said John Henry Markland and Ann Mary Markland are the sole persons actually interested in the said premises, and are desirous of making sale of the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said John Henry Markland, trustee as aforesaid, shall have full power to grant and convey the said premises in fee, freed and discharged from all and every trust created by said will, and shall take and hold the consideration or purchase money received for the same, pursuant Trustees of Ann M. Markland, power to sell real estate.

and subject to the provisions of said will; and the purchaser or purchasers of said premises shall not be in any way or manner responsible for the application or misapplication of the purchase money thereof; *Provided however*, That before the execution of said deed, the said trustee shall give security, to be approved of by the Court of Common Pleas of Philadelphia county, for the faithful and legal application of the proceeds of sale, to secure the rights of the parties interested therein.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 70.

AN ACT

To authorize Mary M. Clarke (late Rogers) to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Mary M. Clarke (late Rogers) is hereby authorized and empowered to sell and transfer all the real estate devised to Harris C. Fahnestock, by the last will and testament of Margaret J. Ross, in trust for the use of the said Mary M. Clarke (late Rogers), and she, the said Mary M. Clarke (late Rogers), shall have full power and authority to grant, bargain, assign, alien, enfeoff, release, convey, and confirm the said real estate and every or any part thereof, by conveyances and assurances in the law, to such person or persons, and for such purchase moneys and such estates, whether in fee simple or for less estate, as to her shall seem meet, and to make title thereto, and for any purchase money or moneys thereof, to give in her own name full and complete receipts and acquittances, her vendees or assignees being on such acquittances fully discharged therefrom, notwithstanding her coverture, and the said purchase moneys again to re-invest in trust or otherwise, as she may see fit for her own, sole, and separate use, and the use of her heirs and devisees, without making the same in any manner liable to the debts of her present or any future husband: *Provided*, That before any deed or deeds shall be made for any such real estate, the said Mary M. Clarke shall give security to be approved by the court of Common Pleas of the county of Philadelphia, or the Orphans' Court of said county, for the faithful application of the proceeds arising from any such sale or sales to the payment of debts against said real estate, according to the provisions of the last will and testament of the said

Margaret J. Ross: *And provided*, That either of said courts shall approve of such sale or sales.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 71.

AN ACT

Relative to the estate of James Paxton, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That James Ramsay, sole surviving trustee of the last will and testament of James Paxton, late of Franklin county, be, and is hereby authorized and empowered to grant, bargain, and sell, in fee simple or otherwise, and to convey to the purchaser or purchasers, freed and discharged from all trusts, a certain tract or parcel of land containing one hundred and eight acres and thirty perches, more or less, situate in Chartiers' township, Washington county, adjoining lands of John Haft, William M'Nary, and others: *Provided*, The said trustee give a bond with sufficient security, to be approved by the Orphans' Court of said county, for the faithful performance of his duties, and the application of the proceeds of said sale: *And provided*, The said court shall approve the said sale or sales.

SECTION 2. That the said trustee is authorized and empowered to settle his account of said trust in the Orphans' Court of Washington county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The nineteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 72.

AN ACT

To provide for the construction of a culvert along Cohocksink Creek, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the incorporated district of Kensington, the commissioners of the incorporated district of the Northern Liberties, and the commissioners of the county of Philadelphia, are hereby authorized and required to put under contract to the lowest bidder, who shall give good and sufficient security for the faithful execution of his contract, a culvert along Cohocksink Creek, from the west side of Front street to the east side of Sixth street, in the county of Philadelphia, of such dimensions as may be deemed most expedient by the commissioners of the Northern Liberties and Kensington districts, for the purpose of draining off the water of said creek; and said culvert shall be constructed in the most direct manner, from the place of beginning to its termination, as the nature of the ground will admit, and for that purpose, authority is hereby granted to construct said culvert along any street or road now laid out in the district of Kensington or the Northern Liberties.

SECTION 2. That the cost of the construction of said culvert, and of the surveys and drafts thereof, shall be paid in equal proportions, by the commissioners of the district of Kensington, by the commissioners of the Incorporated Northern Liberties, and by the commissioners of the county of Philadelphia; and the contractor or contractors for said culvert shall furnish to the commissioners of the districts of Kensington and the Northern Liberties, at their stated meetings, a statement of their proportion of the amount of funds that will be required in each and every month, and the commissioners of said districts shall pay the same into the hands of the county treasurer; and all bills for work done and materials furnished by any contractor in the construction of said culvert, shall be examined and certified by the commissioners of the districts of Northern Liberties and Kensington, and the commissioners of Philadelphia county, and shall be paid out of the county funds: *Provided*, That the commissioners of the Northern Liberties and the commissioners of the district of Kensington, shall appoint three of their number, respectively, to act as a joint committee in conjunction with the three county commissioners, in carrying out the provisions of this act.

SECTION 3. That no contract shall be made in any one year for less than one square of at least five hundred feet, nor more than one-third square feet.

Commissioners of Northern Liberties and Kensington authorized to build culvert along Cohocksink creek.

Cost of construction, how paid.

Contracts to be for at least 500 square feet.

part of the length of said culvert beginning at Front street and extending in a westwardly direction.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 73.

AN ACT

To authorize Edward C. Wayne, and others, to sell certain real estate, and to legalize certain sales.

WHEREAS, Edward C. Wayne stands seised of, and holds in trust for Mary Wayne, Susan Wayne, and Fanny Wayne, certain real estate mentioned and described in two certain deeds to him by William Deal, Esq., high sheriff of Philadelphia county, one of them dated and acknowledged by him in the district court of said county, on the seventh day of July, A. D., one thousand eight hundred and forty-nine, and entered among the records thereof in sheriff's deed-book V, page six hundred and fifty-five, (655) et cetera, and the other of them being for lot number five (5) in the plan and partition therein mentioned, dated and acknowledged in said court on the twenty-second day of June, A. D., (1850) one thousand eight hundred and fifty, and entered among the records thereof in sheriff's deed-book W, page (571) five hundred and seventy-one. Preamble.

And whereas, The said Edward C. Wayne, as said trustee, by deed dated and acknowledged on the eighteenth day of July, A. D., (1850) one thousand eight hundred and fifty, sold and conveyed a certain part of the said estate, viz.: A certain lot on the south-easterly side of Mill street, commonly called Church lane, in the borough of Germantown, and county of Philadelphia, beginning at a stake set for a corner on the side of said Mill street, thence extending north-eastwardly thirty-two feet to the line of Charles P. Relph's land; thence with the same, south-eastwardly ninety-seven feet seven and three-quarter inches, et cetera, to Joseph Barrett, his heirs and assigns, reserving thereout a yearly ground rent; but the power of the said Edward C. Wayne to sell any part of the estate aforesaid, has been doubted; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said sale and conveyance by the said Edward C. Wayne to the said Joseph Barret, be, and the same are hereby confirmed and made valid and effectual to all intents and purposes whatsoever. Conveyance confirmed.

Power to sell at public or private sale. SECTION 2. That the said Edward C. Wayne, his heirs and assigns, as trustees as aforesaid, shall have full power and authority from time to time, whenever he or they shall deem it to be the interest of the said cestui que trusts, to sell at public or private sale upon ground rent or otherwise, and duly to convey, discharged from said trust, such part and parts of the said estate so held by him in trust as aforesaid, and for such estate therein as he or they shall think expedient.

Preamble.

And whereas, James Stokes, deceased, by his last will dated the fifth day of August (1828) one thousand eight hundred and twenty-eight, duly proved and remaining in the office of the Register of Wills of Philadelphia county, on the twenty-second day of March, one thousand eight hundred and thirty-one, devised to Charles M. Stokes, Wyndham H. Stokes, and Caleb P. Wayne, and their heirs, in trust for certain purposes therein mentioned, a certain messuage and lot of ground on the north side of Vine street, near Front street, in the Northern Liberties and county of Philadelphia; and also a certain other messuage and lot situate on the west side of Delaware Third street, between Branch and Story streets, and between Sassafra and Vine streets, in the city of Philadelphia; and the said Charles M. Stokes and Caleb P. Wayne have since deceased, leaving Wyndham H. Stokes surviving, in whom the estate is now vested.

And whereas, It has been represented that it would be expedient that the said lot on the north side of Vine street, and first above mentioned, should be sold; and that certain money received by said Wyndham H. Stokes for the insurance of certain premises destroyed by fire on the said lot on the north side of Vine street, should be applied by said trustee in payment of certain buildings and improvements lately erected on the said lot on the west side of Third street.

Power to sell at public or private sale.

SECTION 3. Be it therefore and it is hereby further enacted by the authority aforesaid, that the said Wyndham H. Stokes, his heirs and assigns, trustees as aforesaid, shall have full power and authority to sell at public or at private sale, and upon ground rent or otherwise, and duly to convey free from said trusts the said lot and premises on the north side of Vine street; and also to apply the money received from the insurance as aforesaid, to pay for the buildings and improvements put on the said lot on the west side of Third street.

Conveyance confirmed.

SECTION 4. That the title of Charles M. Stokes, and his heirs and assigns, in and to all that certain messuage and tenement and lot or piece of ground on the east side of Delaware Fourth street, between Sassafra and Branch streets, in the city of Philadelphia, being that part of the estate of James Stokes which the said Charles M. Stokes, Wyndham H. Stokes, and Caleb P. Wayne, executors of the last will and testament of James Stokes deceased; and the said Caleb P. Wayne, only surviving trustee under the deed of settlement therein mentioned, by indenture dated the tenth day of July, A. D., (1845) one thousand eight hundred and forty-five, granted and conveyed to Harvey M'Gregor Phillips, who by deed dated the seventh day of August, A. D., (1845) one thousand eight hundred and forty-five, and recorded at Philadelphia in deed book R. L. L., number (44) forty-four page (370) three hundred and seventy, et cetera, sold and conveyed to the said Charles M. Stokes, his heirs, and assigns, shall in nowise be impeached, denied, questioned, or impaired, by reason of the said Charles M. Stokes being an executor as aforesaid; but the said purchase by and conveyance to him and the title of the said premises, shall be and remain firm, stable, and indefeasible, to the said Charles M. Stokes, his heirs and assigns, as if he had never been executor aforesaid: *Provided however,* That before any sale authorized by this act

is made as aforesaid, the same shall be approved by the Orphans' Court of Philadelphia city and county; and the said court, before such approval, shall require said trustee or trustees so making such sale or sales, to give security as the said court may direct, for the proper and faithful application of the proceeds of such sale or sales.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 74.

A SUPPLEMENT

To an act authorizing the Governor to incorporate the "Waynesburg, Greencastle, and Mercersburg Turnpike Road Company," approved January twenty-ninth, Anno Domini, one thousand eight hundred and sixteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the president and managers of the Waynesburg, Greencastle, and Mercersburg Turnpike Road Company, be, and they are hereby authorized and empowered to publish in one newspaper, printed in the county of Franklin, and one in the county of Adams, a list of all the stockholders in said company who have not paid up their subscriptions in full, giving the names of the original subscribers or their assignees, if known, together with the amount due from each, and notifying them or their heirs, that the said balances must be paid to the treasurer of said company on or before a certain day therein named, which shall not be less than six months after the first publication of said notice, otherwise the said shares of stock, and all payments made therein, will be forfeited to the said company; and if the said balances shall not be paid within the period so fixed and published, then it shall be lawful for the president and managers of the said company, at any time subsequent thereto, to declare the said stock and the payments thereon forfeited to the said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 75.

AN ACT

To provide for patenting certain out-lots in the town of Franklin, Venango county, and for vacating the streets, lanes, and alleys intersecting the same; and to authorize the sale of a church in Warren county.

Preamble.

WHEREAS, Under the provisions of an act of Assembly, approved April eighteenth, in the year one thousand seven hundred and ninety-five, entitled "An Act to provide for laying out and establishing towns and out-lots within the several tracts of land heretofore reserved for public uses, situated respectively at Presque Isle, on Lake Erie, at the mouth of French Creek, at the mouth of Conewango Creek, and at Fort le Bœuf," the commissioners appointed to fulfil the directions of said act, did survey or cause to be surveyed, seven hundred acres of land adjoining the town lots of the town of Franklin, with out-lots of not more than five acres each, with streets, lanes, and alleys intersecting the same.

And whereas, These out-lots, after being sold and a portion of the purchase money thereof paid into the treasury, have since become the property of a few individuals and used as farm land, and from their situation cannot be useful to the citizens of Franklin as mere out-lots, and the further continuance of the said streets, lanes, and alleys, as common highways has become inconvenient and burdensome to the holders of the said out-lots, and an obstruction to the improvement; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the holders in fee simple of that portion of the out-lots of the town of Franklin which lies in the township of Sugar Creek, Venango county, may, by an agreement among themselves and with one another, waive the use of the streets, lanes, and alleys, intersecting the said out-lots as common highways, and the further continuance of the same as such common highways, and such agreement being duly executed and acknowledged, and recorded in the office of the recorder of deeds for Venango county, shall operate from the date of said record as a vacation of the same; and said out-lots shall thenceforth be held and used as if said streets, lanes, and alleys, had never been surveyed; and further, that the holders in fee simple of any of the said out-lots fronting on or adjoining any one or more of the said streets, lanes, and alleys, on both sides, and for the whole length thereof, being desirous of vacating any one or more of the said streets, lanes, and alleys, so adjoining the said out-lots, may, by an agreement of tenor as aforesaid, executed, acknowledged, and recorded as aforesaid, waive the further continuance and use of the said street, lane, or alley, as common highways, and from the date of the said record, such street, lane, or alley, shall be held and deemed vacated, and such out-lot or out-lots may thenceforth be held and used as if such street, lane, or alley, had never been surveyed.

Streets, lanes,
and alleys in the
town of Frank-
lin, authorized
to be vacated.

SECTION 2. That any person holding in fee simple one, or more than one, of the out-lots of the town of Franklin, may patent the same, and may cause to be contained in one patent any number of the said out-lots he may so own and have title to, including in said patents the proper proportion of said streets, lanes, and alleys. Any number of out-lots may be included in one patent.

SECTION 3. That the street running along the banks of French Creek, from Martin street to out-lot number thirty-four, of the borough of Franklin, in Venango county, shall be and remain a public street and highway, and shall be maintained of the width and length the same has been opened and used for years past. Relative to a certain street in Franklin.

SECTION 4. That the trustees of the Methodist Episcopal church at Tidiute, in the township of Dearfield, Warren county, are hereby authorized to sell the lot of ground upon which their church edifice is erected, together with said edifice, in such manner as they shall deem best, and make a deed for the same to the purchaser thereof. Trustees of the M. E. church at Tidiute, Warren county, authorized to sell real estate.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 76.

AN ACT

For the relief of Levi Reynolds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Court of General Quarter Sessions of Mifflin county are hereby authorized and directed to permit Levi Reynolds, or his vendee, to make application for damages done to lot number thirty-eight, in the plan of the borough of Lewistown, by reason of a street or public highway which has been made over and upon the same, as though application had been made to said court within one year from the opening of the same, and with like effect as though no application had heretofore been made by said Reynolds: *Provided*, The said Reynolds, or his vendee, make affidavit that the original application was not made in time through a misunderstanding of the true meaning of the act of

one thousand eight hundred and thirty-six, relating to roads and bridges.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 77.

A SUPPLEMENT

To an act entitled “An Act to incorporate the Philadelphia Life Insurance Company.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in addition to the powers and privileges heretofore granted to “The Philadelphia Life Insurance Company,” the said company shall have and enjoy the same powers and privileges which are granted to the Western Insurance Company of the city of Pittsburgh, by an act entitled “An Act incorporating the Western Insurance Company of the city of Pittsburgh, in the county of Allegheny,” passed the twentieth day of March, Anno Domini, one thousand eight hundred and forty-nine.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 78.

AN ACT

To incorporate the Martinsburg Plank Road Company, in Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Samuel Hoover, Emanuel Gibboncy, Doctor John Getty, Michael Greybill, G. B Spang, John M'Kee, Isaac Rhoads, Davis Brooks, E. H. Lytle, L. Slingluff, J. W. Duncan, Jacob Nicodemus, and Theophilus Snyder, or any five of them, be, and they are hereby appointed Commissioners, to open books, receive suscriptions, and organize a company, by the name, style, and title, of "The Martinsburg Plank Road Company," to locate and construct a plank road from the borough of Martinsburg, in the county of Blair, to the most practicable point on the Hollidaysburg and Bedford Plank Road in said county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpikes and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, excepting that portion of the thirteenth section of the said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated, shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case.

Style.

Subject to provision of certain act.

SECTION 2. That the capital stock of said company shall consist of six hundred and forty shares of twenty-five dollars per share: *Provided,* That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same.

Time of commencement and construction.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 79.

AN ACT

To change the notice required to be given for the holding of special courts in the twentieth judicial district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the president judges of the second, ninth, and twelfth judicial districts, shall severally hold the courts in the twentieth judicial district, for the trial of special court causes, whenever they are required to hold such courts, at such times as may best suit the convenience of said judges; of which times at least six weeks' notice shall be given in one or more newspapers printed in the county wherein said courts are to be held, respectively, anything in any law to the contrary notwithstanding.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-second day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 80.

AN ACT

To extend the limits of the borough of Johnstown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the limits of the borough of Johnstown, in the county of Cambria, be, and are hereby extended, so as to include the following described boundaries, viz.: Beginning at a white walnut tree on the bank of Stony creek, near the township road leading to Mill Creek Furnace; thence south fifteen degrees, east one hundred and twelve and five-tenth perches to a sugar tree on the lands owned by the heirs of John Dibert, deceased; thence south forty-nine degrees, east one hundred and ten perches, to a post on the bank of Stony creek, on lands owned by Jacob Benshoof; thence across Stony creek, south seven degrees, east

Boundaries.

thirty-six perches, to a white oak tree on lands owned by Jacob Horner; thence north eighty degrees, east one hundred and forty perches, to a post at the Bedford road; thence along the south-west side of said road thirty-three degrees, west one hundred and seventy-six perches, to a post near the said Horner's barn; thence crossing said Bedford road twenty-two and a-half degrees, east thirty-eight perches, to a stump; thence north twenty-one degrees, west fifty-six perches, to a stump at the corner of Johnstown and Conemaugh boroughs.

SECTION 2. That all those parts of the township of Conemaugh included within the foregoing limits, and not heretofore included in said borough, shall constitute a part of the election and school district of the borough of Johnstown. Relative to part of Conemaugh township.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 81.

AN ACT

To repeal the second proviso of the second section of "An Act to incorporate the Bedford Water Company."

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the second proviso of the second section of "An Act to incorporate the Bedford Water Company," approved the sixth day of May, Anno Domini, one thousand eight hundred and fifty, be, and the same is hereby repealed.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 82.

AN ACT

To incorporate the Addison and Elkland Plank Road Company.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Joel Parkhurst, George Dorance, D. B. Shoff, Victor Case, Herman Temple, John Goodspeed, D. T. Billings, Joseph Weaver, Emor Bower, Charles Ryan, William Barker, and Leander Culver, or any five of them, be, and the same are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and

Style. title, of "The Addison and Elkland Plank Road Company," to locate and construct a plank road on the bed of the present public road, or otherwise as said company may direct, from the village of Elkland aforesaid, to intersect the plank road from Addison to the State line, with the privilege of extending the same to Knoxville, in the county of Tioga, subject to all the provisions of and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth (26) day of January, A. D., (1849) one thousand eight hundred and forty-nine, and the several supplements thereto, as far as they are not inconsistent with this and the following sections.

Location.

Subject to provision of certain act.

SECTION 2. That the capital stock of said company shall consist of five hundred shares, of twenty-five dollars per share: *Provided*, That said company may from time to time increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if said company shall not commence the construction of said road within one year from the passage of this act, and complete the same within three years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same: *Provided*, That said company shall have the right to regulate and collect tolls, &c., upon said road, without regard to the width of the wheel or wheels of carriages or vehicles, &c.

Commencement and completion road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 83.

AN ACT

To erect the township and borough of Mauch Chunk, Carbon county, into separate school districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Mauch Chunk borough and township to be erected into separate election districts. the township of Mauch Chunk, Carbon county, and also the borough of Mauch Chunk, in said county, are each hereby erected into separate school districts; the said districts to have all the general rights and privileges that are guaranteed to other school districts in this Commonwealth.

SECTION 2. That the eleventh section of the act approved the twenty-sixth of April, one thousand eight hundred and fifty, entitled "An Act to incorporate a company to build a plank road from Titusville, in Crawford county, to Warren, in Warren county; and relative to mechanics' liens and school districts in Carbon county; to the borough of Milton, in Northumberland county; to the elections in Franconia township and the borough of Norristown, and to tax collectors in Montgomery county, and to the courts of Bucks county," be, and the same is hereby repealed. Repeal.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 84.

AN ACT

To incorporate the Odd Fellows' Hall Association of Safe Harbor, in the county of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles W. Morris, Reuben Sourbeer, Martin Mellinger, George Hess, Amos Sombur, T. B. Gould, and Augustus Rice, and their successors, Corporators.

and all persons who are now or hereafter may be associated with them, be, and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style, and title of "The Odd Fellows' Hall Association of Safe Harbor, in the county of Lancaster," and by that name shall have perpetual succession, and be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity, to have a common seal, and the same to break, alter, and renew at pleasure, and to exercise all the rights, privileges and immunities which corporations have; and to take and hold to them and their successors, either by gift, grant, devise, or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at pleasure to grant, bargain, and sell, for the use of the said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well-being and due management of the affairs of said association: *Provided*, That the real estate of said corporation, or of which it may be seised and possessed, shall not at any one time exceed the clear yearly value of three thousand dollars.

Commissioners.	SECTION 2. The persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned, that is to say: they, or such of them as shall act in the premises, not less than four of them, shall as soon as conveniently may be after the passage of this act, and within three months thereafter, procure and open a suitable book or books, at such time and place as they may designate, in the village of Safe Harbor, Lancaster county, of which time and place at least ten days' previous notice shall be given in one or more newspapers published in Lancaster county, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows' Hall Association of Safe Harbor, Lancaster county, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the trustees of said association. Witness our hands this
Duties.	day of Anno Domini, one thousand eight hundred and fifty-one;" and at the same time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves, or by committees to be appointed, shall attend for the purpose of opening the books to receive subscriptions for stock, and the said books shall be kept open at least six hours on such day, at the time and place designated as aforesaid; and in case five hundred shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations, as the trustees for the time being may order: <i>Provided</i> , That no subscription for such stock shall be valid unless the party or parties making the same shall at the time of subscribing pay to the said commissioners one dollar on each and every share so subscribed for the use of the association.
Form of subscription.	

Organization. SECTION 3. The said commissioners, or at least four of them, acting in the premises as aforesaid, shall as soon as conveniently may be after two hundred shares of the stock are subscribed for, appoint a time and place for the subscribers to meet, in order to organize the said association, and shall give at least ten days' previous notice thereof to the subscribers; and when they are met, they shall by ballot elect from their

number by a majority of the voters present, five trustees, resident in the county of Lancaster, to manage and conduct the affairs and business of said association, until the first Monday in January of the next following year, and until others are chosen, and shall annually thereafter, at such time and place as the by-laws of said association shall provide, elect five trustees to serve as aforesaid; and the three commissioners first above named, shall be the judges of the election of trustees for the time being, and notice of such election shall be given in such manner as the by-laws shall direct.

SECTION 4. The object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the village of Safe Harbor, Lancaster county, for the accommodation of various lodges and encampments of the Independent Order of Odd Fellows', established or to be established there for other beneficial societies, and suitable also for a room to be used for public meetings, lectures, exhibitions, and for a library. Object of the association.

SECTION 5. The trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed, to elect a president from their own body, to elect a treasurer and secretary, and to appoint such other officers and agents as they shall deem necessary to carry out the objects aforesaid, conduct and execute the business and affairs of said association, to fix their compensation, and in their discretion to dismiss them, to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of the association, and generally to pass all such by-laws as may be necessary to the exercise of said powers, and of other powers vested in said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be repugnant or contrary to the Constitution and laws of the United States or of this Commonwealth. Office: s.

SECTION 6. It shall be the duty of the trustees at least once in every year to appoint from the members of the association three competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said association and to make report thereof; and it shall be the duty of the trustees on the first Monday in July in each year, to make a dividend and declare the same of the interest and profits of the said association after paying the expenses, and the same to pay over to the stockholders, or their legal representatives, within thirty days thereafter. Committee of investigation.

SECTION 7. The Legislature hereby reserves the right to alter or amend the charter hereby granted, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner that no injustice shall be done to the corporators. Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 85.

AN ACT

Further supplementary to an act relating to the borough of Bridesburg, and relative to Shackamaxon Square, in Kensington district, in the county of Philadelphia.

Election of
judges, &c., in
the borough of
Bridesburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the qualified voters of the borough of Bridesburg, in the county of Philadelphia, shall, on the third Friday in March next, and annually thereafter, elect one judge and two inspectors of the election, in accordance with the provisions of existing laws; and the qualified voters aforesaid shall at the same time and place, and in the manner now prescribed by law, elect one assessor, and when necessary two assistant assessors, who shall perform all the duties now enjoined by law: *Provided*, That the judge and inspectors elected as aforesaid shall have all the powers, and perform all the duties, enjoined upon election officers.

Constable.

SECTION 2. That the qualified voters, on the third Friday in March next, and annually thereafter, shall elect one reputable citizen of said borough to serve as constable, who shall have all the powers, and perform all the duties, now enjoined by existing laws.

Town Clerk.

SECTION 3. That the qualified voters shall, on the third Friday in March next, and annually thereafter, elect one person to serve as town clerk of said borough, who shall have all the powers, and perform all the duties, now enjoined by law.

Officers of first
election.

SECTION 4. That Elijah Sordon shall be authorized and empowered to act as judge, and George Cook and Leonard McCormack shall be authorized and empowered to act as inspectors, of the election to be held on the third Friday in March next, who shall conduct the election, and perform all the duties now enjoined by law.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 86.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Equitable Insurance, Life Insurance, Annuity and Trust Company," now styled the National Safety Insurance and Trust Company, approved the seventeenth day of April, one thousand eight hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the National Safety Insurance and Trust Company, incorporated by an act passed the seventeenth day of April, eighteen hundred and forty-one, by the name, style, and title, of "The Equitable Insurance, Life Insurance, Annuity and Trust Company," but which title by a decree of the Court of Quarter Sessions of the county of Philadelphia, made on the eighth day of June, eighteen hundred and fifty, was changed to the name, style, and title aforesaid, in addition to the authorities and powers already vested in them, and hereby confirmed, shall be, and hereby are authorized and empowered, to insure the life of any person upon his own application, for the benefit of his wife or children, and the sum insured shall be for the use and benefit of such wife or children, and shall not be subject to the claims of his representatives or creditors: *Provided,* That the premium paid by him for such insurance shall not exceed the sum of three hundred dollars per annum; and the stockholders of said company shall hereafter hold their annual meeting and election for directors on the third Monday of January in every year, instead of the second Monday of January, as heretofore.

Additional powers granted to the National Safety Insurance and Trust Company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 87.

A SUPPLEMENT

To an act entitled "An Act relating to Inns, Taverns, and Retailers of vinous and spirituous liquors," passed the eleventh day of March, in the year of our Lord, one thousand eight hundred and thirty-four.

Qualified voters of the several townships and boroughs in Chester county to elect a board of license, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the county of Chester shall annually hereafter at the times and places, and in the manner of electing township officers, elect for each township and borough in said county three citizens who shall compose a board of license for such township or borough, and who shall continue in office one year, and until their successors shall be chosen: *Provided,* If a vacancy should occur in any board of license by refusal to serve, resignation, removal out of the township or borough, death, or otherwise, the remaining members or member of such board shall choose another person or persons to supply such vacancy until the next election; each member of the board of license shall be entitled to receive one dollar for each day employed in the discharge of his duties, to be paid out of the respective township or borough treasury.

Powers and duties of said board.

SECTION 2. That all the powers, duties, and authority now belonging to, and exercised by the Court of Quarter Sessions of said county, for the granting and revoking of licenses to inns and taverns, shall after the passage of this act be exercised and performed by said board of license within their respective townships and boroughs, and not by said courts; and applications for keeping inns and taverns shall be made to the proper boards of license at the time and in the manner and with the certificates now required by law; and notice of such application shall be given by printed hand-bills, posted in at least three of the most public places in the respective townships for three weeks immediately preceding the first day of May in each year: *Provided,* That for the present year ten days' notice only shall be required.

Mode of obtaining license.

SECTION 3. That it shall not be lawful for any person or persons to sell any vinous or spirituous liquors, or other intoxicating drinks, in any quantity whatever, within any township or borough in said county, without having first obtained a license for that purpose from the proper board of license; nor shall a license for such purpose be granted to any person except at such times as licenses to keep inns and taverns are authorized to be granted; nor unless upon a certificate in writing, signed by at least twelve reputable citizens of the township or borough in which such liquors or drinks are proposed to be sold, setting forth that the sale of the same at the place asked for, is necessary to accommodate the public, and that the applicant is a person of good repute for honesty and temperance; and the proper board of license shall have power to revoke licenses granted, as is provided in this section, for the same causes as in the cases of inns or taverns.

SECTION 4. That any person selling vinous or spirituous liquors, or ^{Persons selling} other intoxicating drinks, in said county, except he shall have obtained without license a license granted according to the true intent and meaning of this act; ^{liable to indictment.} and also a certificate from the treasurer of said county that he has paid the sum required by law for such purpose, shall be liable to indictment, and upon conviction shall be punished in the manner provided by law in cases of the sale of vinous or spirituous liquors by less measure than one quart at a time.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 88.

A FURTHER SUPPLEMENT

To the act entitled "An Act to incorporate the Philadelphia Saving Fund Society."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Philadelphia Saving Fund Society be, and hereby is placed on the same footing in respect to the aggregate amount of deposits that may be received by them, as the Western Saving Fund Society of Philadelphia; and all provisions in any act of Assembly relating to the said "The Philadelphia Saving Fund Society," inconsistent with this act, are hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 89.

AN ACT

For the relief of Thomas Barr, senior, and others, soldier and widows of soldiers of the revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the State Treasurer be, and he is hereby authorized and required to pay to Thomas Barr, senior, of Indiana county, Nancy Adams, widow of John Adams, late of Blair county, deceased, Mary Ellender, of Lehigh county, Gertraud Gring of Berks county, and Barbara Zimmerman of Schuylkill county, soldier and widows of soldiers of the revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty-one.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 90.

AN ACT

To authorize William P. Baum, guardian of Elizabeth and Margaret H. Carlisle, to execute a deed to the city of Pittsburg.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William P. Baum, guardian of Elizabeth Carlisle and Margaret H. Carlisle, minors, grand children and heirs at law of the Reverend Robert Steele, late of the city of Pittsburg, deceased, be, and he is hereby authorized and empowered to execute and deliver in the name and on behalf of his said wards to the city of Pittsburg, such deed or instrument of writing as the city solicitor of the said city of Pittsburg shall devise or approve, whereby they Elizabeth Carlisle and Margaret H. Carlisle, the said wards of said William P. Baum, shall surrender and

transfer to said city all right, claim, and title, of themselves and their heirs, to all that portion of lot number four hundred and sixty-three on Grand street in said city, as fixed and regulated by what is known as the "surplus measure," regulation and the act of Assembly of April first, Anno Domini, one thousand eight hundred and thirty-one, which is now within or upon said Grand street, to enable the heirs of said Steele to accept and avail themselves of the provisions and benefits of an ordinance ordained and enacted by the select and common councils of said city, on the seventeenth of October, Anno Domini, one thousand eight hundred and fifty, providing for the amicable adjustment of a difficulty between said city and the heirs of said Robert Steele, deceased, respecting the east line of said lot number four hundred and sixty on Grant street: *Provided always*, That before any deed of conveyance shall be delivered to the said city of Pittsburg, the guardian as aforesaid, shall give bond in such sum, and with such security, as the Orphans' Court of the said county of Allegheny shall order and direct for the faithful application and investment of the proceeds of the said real estate: *And provided further*, That said court approve of and confirm said sale.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 91.

AN ACT

Authorizing the sale of certain real estate, late of John Linerd, deceased, Sarah Thomas, Catharine Bollar, and John Martin Hartley.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Joseph B. Linerd, trustee for Rachel Connarroe and her children, under the last will and testament of John Linerd, late of the Northern Liberties of the city of Philadelphia, mast-maker, deceased, or his successor or successors in the trusts in the said last will and testament declared of and concerning the premises hereinafter mentioned, at any time hereafter to sell and dispose of at public or private sale, all that certain lot or piece of ground situate on the south side of Callowhill street between Delaware Front and Second streets in the Northern Liberties of the city of Philadelphia; containing in breadth east and west twenty feet, and in length or depth north and south eighty feet; bounded on the east by a lot laid out to Samuel

Trustees under the last will of John Linerd, deceased, authorized to sell certain real estate.

Hastings, on the west by a lot laid out to William Pyewell, on the south by a lot late of Samuel Rhoads, and on the north by Callowhill street aforesaid [which said premises Abel Evans and Anne, his wife, by indenture bearing date the fourteenth day of November, one thousand eight hundred and fifteen, recorded at Philadelphia, in deed book J. W., number seven, page three hundred and eighty-eight, et cetera, granted and conveyed unto the said John Linerd in fee, subject to a yearly ground rent of two pounds sterling money, payable to the late proprietaries of Pennsylvania, their heirs and successors forever; and the said John Linerd, by his last will and testament and codicil thereto, bearing date the twenty-fifth day of June, one thousand eight hundred and thirty-five and thirteenth day of February, one thousand eight hundred and forty-five, devised the said premises to his son, the said Joseph B. Linerd, his heirs or assigns forever, in trust for the sole and separate use of the said Rachel Cannarroee for life, and after her decease for the use of all her children and legal representatives, their heirs and assigns, as therein mentioned], either for cash or on credit, and with or without the reservation of any redeemable ground rent as the whole or a part of the consideration of such sale, and to convey the said premises in fee simple or for any less estate, to the purchaser or purchasers thereof, who shall not be responsible for the application of the purchase or consideration money thereof; and that it shall and may be lawful for the said trustee, or his successor or successors in the trust, to invest the purchase money in other productive real estate, or on good landed security, the loans of the United States of America, of this Commonwealth, or the city or county of Philadelphia, or any incorporated district in the county of Philadelphia, and to change such investments from time to time, as he or they shall deem proper: *Provided*, That the purchase money arising from such sale or extinguishment, or redemption money of any ground rent shall not be received by the said trustee or his successor or successors in the said trust, until he or they shall have given bond to this Commonwealth with surety, to be approved by the court of Common Pleas or Orphans' Court for the county of Philadelphia, for the faithful application of the same according to the provisions of the will and codicil of the said testator of, and concerning the said premises: *And provided also*, That one or the other of said courts shall first approve of said sale or sales.

Joseph Starr,
trustee, authorized to sell real
estate.

SECTION 2. That it shall and may be lawful for Joseph Starr, trustee for Sarah Thomas, wife of Jonathan Thomas, and her children in the hereinafter indenture mentioned, or his successor or successors in the trust at any time hereafter, either at public or private sale to sell and dispose of all that certain lot or piece of ground situate on the west side of Delaware Front street, between Callowhill street and Vine street, in the Northern Liberties of the city of Philadelphia, containing in breadth twenty feet and six inches, and in length, be the length what it may, to the division line dividing this from the ground devised by Thomas Williams, the elder, to his grand-children Elizabeth, Sarah, and Margaret Williams; bounded southward by ground formerly of Charles West, deceased, and late of James King, deceased; westward by the aforesaid ground devised by the said Thomas Williams, the elder, to his grand-children Elizabeth, Sarah, and Margaret; northward by ground formerly of Robert Worrell; and eastward by Delaware Front street, aforesaid, [which said premises the said Jonathan Thomas, by indenture bearing date the sixth day of June, one thousand eight hundred and thirty-nine, recorded at Philadelphia in deed-book G S, No. 1, page 486, granted and conveyed unto the said Joseph Starr, his heirs and assigns forever, in trust for the sole and separate

use of Sarah Thomas, wife of the said Jonathan Thomas, for and during all the term of her natural life; and from and immediately after her decease, then in trust to grant and convey the said premises unto Mary Thomas, Rachael L. Starr, Ann M. Reeves, Hannah Thomas, Jane S. Thomas, and Elizabeth Thomas, six of the children of the said Jonathan Thomas, or such of them as shall then be living, and the lawful issue of such of them as may then be deceased, their respective heirs and assigns forever, in equal parts and shares, such issue taking such part and share only as his, her, or their deceased parent would have taken if then living, subject to an estate for life therein of the said Jonathan Thomas, in case he shall survive his wife], either for cash or on credit, and with or without the reservation of any redeemable ground-rent, as the whole or a part of the consideration of such sale, and to convey the said premises in fee simple, or for any less estate, to the purchaser or purchasers thereof, who shall not be responsible for the application of the purchase or consideration money thereof; and that it shall and may be lawful for the said trustee, or his successor or successors in the trust, to invest the purchase money in other productive real estate, or on good landed security, the loans of the United States of America, of this Commonwealth, or the city or county of Philadelphia, or any incorporated district in the county of Philadelphia, and to change such investments from time to time as he or they shall deem proper: *Provided*, That the purchase money arising from such sale or extinguishment, or redemption money of any ground rent, shall not be received by the said trustee or his successor or successors in the said trust, until he or they shall have given bond to this Commonwealth with surety, to be approved by the Court of Common Pleas or Orphans' Court for the county of Philadelphia, for the faithful application of the same, agreeably to the trusts mentioned and declared in the said indenture of and concerning the said premises: *And provided also*, That all such sales be approved by one of said courts.

SECTION 3. That it shall and may be lawful for Charles H. Baker, trustee for Catharine Boller, wife of Jacob Boller, and the children of the said Jacob and Catharine, or his successor or successors in the trust, at any time hereafter, either at public or private sale, to sell and dispose of all that certain lot or piece of ground situate on the east side of Cable lane, or New Market street, between Vine and Callowhill street, in the Northern Liberties of the city of Philadelphia, containing in breadth north and south seventeen feet, and in length or depth one hundred feet; bounded eastward by ground now or late of Hannah Norton; northward by ground late of Thomas Gilbert, deceased; southward by ground of Joseph Cowperthwaite; and westward by Cable lane or New Market street aforesaid; and also all that certain lot or piece of ground situate on the east side of the said Cable lane or New Market street, between Vine and Callowhill streets aforesaid, containing in breadth on the said New Market street twenty feet, and in length or depth one hundred and eight feet two inches, or thereabouts, to an alley six feet four inches wide leading into Vine street, bounded northward by ground late of Nicholas Walter, deceased; eastward by the said alley; southward by ground of Charles West; and westward by New Market street aforesaid, [which said premises the said Jacob Boller, by indenture bearing date the fourth day of March, one thousand eight hundred and twenty, recorded at Philadelphia in deed-book J W, No. 4, page 252, &c., granted and conveyed unto the said Charles H. Baker, his heirs and assigns forever, in trust for the sole and separate use of the said Catharine Boller, wife of the said Jacob

Charles H. Baker, trustee, authorized to sell real estate.

Boller, for and during all the term of her natural life; and upon the decease of the said Catharine, then in trust for the use and behoof of all and every the child or children of the said Jacob by the said Catharine, born or to be born, and the lawful issue of such of them as shall be then deceased, their respective heirs and assigns, in equal parts and shares, such issue taking such part and share only as his, her, or their deceased parent would have taken if then living] either for cash or on credit, and with or without the reservation of any redeemable ground rent, as the whole or a part of the consideration of such sale, and to convey the said premises in fee simple, or for any less estate, to the purchaser or purchasers thereof, who shall not be responsible for the application of the purchase or consideration money thereof; and that it shall and may be lawful for the said trustee or his successor or successors in the trust, to invest the purchase money in other productive real estate or on good landed security, the loans of the United States of America, of this Commonwealth, or the city or county of Philadelphia, or any incorporated district in the county of Philadelphia, and to change such investments from time to time as he or they shall deem proper: *Provided*, That the purchase money arising from such sale or extinguishment or redemption money of any ground rent shall not be received by the said trustee or his successor or successors in the said trust until he or they shall have given bond to this Commonwealth with surety, to be approved by the Court of Common Pleas or Orphans' Court for the county of Philadelphia, for the faithful application of the same, agreeably to the trusts mentioned and declared in the said indenture of and concerning the said premises: *And provided also*, That all such sales shall first be approved by one of said Courts.

John M. Brown,
trustee, author-
ized to sell real
estate.

SECTION 4. That John M. Brown, trustee under and administrator with the will annexed of John Martin Hartley, late of Philadelphia, deceased, be, and he is hereby authorized to sell at public or private sale, and convey to the purchasers in fee simple, discharged of all trusts, any of the unsold real estate described by said will: *Provided*, That the purchase money be paid to the parties entitled to an interest in said estate under said will or subsequent grant, or to their legally constituted guardians or trustees: *And provided also*, That as to any share under a continuing trust by said will, security be given in and approved by the Orphans' Court of Philadelphia county for the faithful accounting therefor to the parties who may be entitled under said will, where said trust shall cease, and for the income in the meantime according to such trust: *And provided further*, That said court shall approve of such sale or sales.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 92.

AN ACT

To incorporate the village of Bridgeport, in the county of Montgomery, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the territory lying in the township of Upper Merion, in the county of Montgomery and State of Pennsylvania, included within the following described limits and boundaries, to wit: Beginning at low water-mark of the river Schuylkill, in said township; thence on a line dividing lands of C. Evans and the Schuylkill Navigation Company, south twenty degrees and twenty minutes, west thirty-four and two-tenths of a perch to a point in a public road to the Great Valley; thence along the middle of said road, south sixty-five degrees and forty minutes, west one hundred and sixty-five perches and five-tenths of a perch to a point in the middle of a road leading to Swedesford road; thence along the same south twenty-six degrees and thirty-five minutes, west one hundred and fifty-six perches to a point in lands of Henry Novioch; thence north sixty-six degrees, east seventy-three perches to a point in a line between lands of John and Lindsay Coates; thence by lands of Samuel Coates south eighty-three degrees, east one hundred and forty-five perches and four-tenths of a perch to a point; thence by lands of said Samuel H. Coates, north sixty-three degrees and thirty minutes, east two hundred and fifty-three perches to low water-mark of the river Schuylkill aforesaid, and along and up said river the several courses thereof to the place of beginning, is hereby erected into a borough, which shall be called Bridgeport. Boundaries.

SECTION 2. That the inhabitants of said borough qualified to vote for members of the General Assembly, shall meet on the third Friday in March next, at the public house now occupied by Seth Ham, known as the Railroad House, in said borough, at ten o'clock in the forenoon of said day, and shall proceed to choose from among the persons then present, one person for judge and two persons for inspectors of the borough election, to be there held on said day; and it shall be the duty of the constable, or one of the supervisors of the township of Upper Merion, to give notice by at least six written or printed hand-bills, put up in the most public places of said borough, at least ten days prior to the said day, that a borough election will be held for the purpose of electing proper officers for the ensuing year. Election of officers.

SECTION 3. That the judges and inspectors of election chosen as aforesaid, shall forthwith choose two persons for clerks of said election, and after being duly sworn or affirmed, according to the laws of this Commonwealth relating to elections, they shall between ten o'clock in the forenoon and twelve o'clock noon of said day, open said election, and keep it open till eight o'clock in the afternoon of said day; and the inhabitants of the borough qualified to vote as aforesaid, shall then and there elect by ballot the following officers for the ensuing year from amongst the citizens of said borough, to wit: One person to be Clerks of election.

Burgess and
town council.
Constable.
Assessor.

burgess of said borough, five persons to be members of the town council of said borough, one person for constable, one person for assessor, one person for judge of election, and two persons for inspectors of election; and the qualified voters aforesaid shall then and there also elect by ballot three citizens for school directors, one for one year, one for two years, and one for three years.

Incorporate.

Style.

SECTION 4. That from and after the third Friday of March next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style, and title, of "The burgess and town council of Bridgeport," and shall have, possess, and enjoy, all the right, liberties, privileges, and franchises of a borough, subject to such modifications as may hereafter be made by the Legislature of this Commonwealth.

Provisions of
certain act not
to extend to said
borough, nor the
township of Up-
per Merion.

SECTION 5. That so much of the act of Assembly passed the twenty-first day of June, one thousand eight hundred and thirty-nine, providing for the election of aldermen and justices of the peace, as requires two justices to be elected for each borough, township, &c., shall not be deemed to extend to this borough, nor to the township of Upper Merion, where only one justice shall be elected for each place at the time and in the manner provided by law, and the justice of the peace now residing within the limits of said borough, and the justice of the peace residing in the township of Upper Merion, shall continue in the performance of their duties under their present commissions as if each had been elected for the respective borough and township in which he now resides; and in case of vacancy by death, removal, resignation, or otherwise, another justice shall be elect agreeably to the provisions of the laws of this Commonwealth.

Annual elec-
tions.

SECTION 6. That the annual borough elections shall be held at the public house now occupied by Seth Ham as aforesaid in said borough, in each and every year, and shall be published and opened, and held on such days and time, and conducted in such manner as is required, agreeable to the provisions of the laws of this Commonwealth relating to township elections; and the qualified electors shall then and there elect annually burgess, town council, constable, assessor, judges, and inspectors of election, school directors, and such other officers as by this charter and laws of this Commonwealth are required: *Provided always*, That the town council may by ordinance duly published, change the place of holding such borough elections: *And provided also*, That if at any time hereafter the qualified citizens of said borough, or of the township of Upper Merion, shall desire to elect more than one justice of the peace, they shall be entitled to do so under the provisions of the fourth section of the act of one thousand eight hundred and thirty-nine, entitled "An Act providing for the election of aldermen and justices of the peace."

Returns of elec-
tions to be filed,
&c.

SECTION 7. That the returns of elections for constable, assessors, school directors, judges, and inspectors of elections and justices of the peace, shall be made as directed by the laws of this Commonwealth relating to such elections, and the returns for burgess and town council shall be returned to and filed among the records of the corporation, and the constables elected in said borough shall in every respect have the same power and authority, and be subject to the same penalties, and to the performance of the same duties, as by law belongs to the office of constable within the Commonwealth. And further, he is also authorized and required to perform the duties of high constable of the borough; but the burgess and town council may by ordinance authorize the election of a high constable if they deem it expedient, and the burgess and town council may from time to time appoint one or more persons for borough

Constables,
powers of, &c.

police, and shall have full power to fix, direct, and make such orders and regulations respecting said police as may be necessary to promote the good order and peace of said borough; and all such police and high constable aforesaid, being sworn to support the Constitution of this Commonwealth, and perform their duties with fidelity, are hereby constituted peace officers with all the power of constables, to arrest in case of crimes and misdemeanors, as also to arrest all vagrants and disorderly persons found within the limits of said borough, and for every such service shall be entitled to such fees as constable, in addition to any compensation that may be allowed by the burgess and town council.

SECTION 8. That said borough shall be a separate school district, and shall be entitled to all arrearages of taxes levied on the property within the same, and not specifically appropriated prior to this act, and the school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this Commonwealth.

Said borough to be a separate school district.

SECTION 9. That said borough shall be a separate election district, and the electors thereof shall hold their general elections at the public house as aforesaid in said borough.

Separate election district.

SECTION 10. That at the first election for borough officers in said borough, every elector residing within the limits for ten days previous to said election, and having paid a State or county tax within two years, shall be entitled to vote for borough officers; but at all subsequent elections, no person shall vote for burgess or town council who shall not have resided in said borough for ten days prior to said election, and within one year paid a borough tax; and after any borough election is closed, if it shall appear that two or more candidates shall have an equal number of votes for burgess or town council, the preference shall be determined by lot to be drawn by the judge of the election, in presence of the inspectors and clerks, and a duplicate certificate shall be signed by the officers of the election, and sent to each person elected.

Who shall be entitled to vote.

SECTION 11. That in case of vacancy by death, resignation, removal, refusal to serve, or otherwise, of any member of the town council, the burgess shall issue his precept directed to the constable or high constable of said borough, to hold an election in manner aforesaid to fill the vacancy; and in case of absence of burgess from any cause, the members of the town council are hereby authorized to elect one of their members president of council, who shall be burgess *pro tem.*, and who shall be, and is hereby authorized to perform all the duties of burgess; and in case of vacancy in the office of burgess, the president of council aforesaid shall issue his precept to the constable or high constable to hold an election to fill the vacancy; and if no election shall be held at the time fixed by law for borough officers, the burgess and town council for the preceding year shall continue in office till an election be held, and it shall be the duty of such burgess or president of town council to issue their precept to hold such special election.

Vacancies how supplied.

SECTION 12. That the high constable of said borough, if there be one elected, and if not, the constable, shall give notice of all elections; and it is hereby made the duty of such constable to publish and give at least ten days' notice, by six advertisements set up in the most public places of said borough, of all and every election for borough and other officers; and said constable shall also give notice in writing to each person elected in said borough within ten days after such election.

High constable to give notice of elections.

SECTION 13. That if any person elected burgess, town council, or high constable, and having received notice as aforesaid, shall refuse to act or neglect to take upon himself the duty of his office, or shall neglect to perform the same according to law, he shall for every such

Penalty for refusing to accept office of Burgess, &c.

offence forfeit and pay a fine of twenty dollars, which shall be recovered before any justice of the peace in the same manner that debts not exceeding one hundred dollars are recoverable, the suit to be brought in the name of "The Burgess and Town Council of Bridgeport," and shall be paid to the treasurer of the borough for the use of the borough.

Fines.

SECTION 14. That all fines imposed by any by-law or ordinance of the borough, shall be collected for the use of the borough and paid to the treasurer thereof, and shall be sued for in the name of "The Burgess and Town Council of Bridgeport," and recovered as debts of like amount are recoverable.

Provisions of certain act extended to said borough.

SECTION 15. That the sections seven, eight, nine, ten, eleven, twelve, thirteen, and sixteen, of the act of the first of April, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," and all the powers, liberties, privileges, duties, penalties, and provisions of said sections of said act, so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, and form a part of the charter of this borough, as fully as if the said borough had been incorporated agreeably to the provisions thereof.

Meeting of burgess and town council.

SECTION 16. That after the first election held in said borough, the burgess and town council elected shall meet at the public house as aforesaid, where said election was held, between the hours of five and eight o'clock in the evening, of the second Saturday subsequent to said election; and after being qualified as is required by this act, shall adjourn to such time or times or place in said borough as they may think expedient, and all subsequent meetings to be regulated by the by-laws and ordinances of said borough: *Provided*, Nothing herein contained shall prevent them from adjourning from time to time, or calling special meetings whenever required.

Powers.

SECTION 17. That the burgess and town council shall have full power and authority to prohibit all menageries, shows, and theatrical performances, under such fines or penalties as they may think proper, or grant license for the same as they shall by ordinance determine; they shall also have power to regulate, restrict, or prevent dogs, horses, swine, and cattle, from running at large in said borough; or when dogs shall be deemed a nuisance and endanger the lives or property of citizens, they may have them properly secured or killed, as circumstances may require.

Regulation of streets, lanes, and alleys, &c.

SECTION 18. That all streets, lanes, and alleys, and the foot-ways thereof, that are now laid out, or may be hereafter laid out by private citizens or by commissioners, or by the Court of Quarter Sessions, the burgess and town council are hereby authorized to grade, excavate, fill up, regulate, and fix the heights and pitch of the same, and exercise such jurisdiction over the same as the convenience of the public and interest of the borough may require; and they shall have full power to pave, or cause to be paved, all or any of the foot-ways and gutters in said borough with brick or flat stone as the case may require, and to cause those out of repair to be relaid or repaired; also to plant or cause to be planted, curb-stones along the edge of the foot-ways or side-walks, and shall charge the property fronting such foot-ways with the expense of such curbing, paving or repairing: *Provided*, That every owner of ground shall have privilege of curbing, paving, and repairing the foot-way opposite his land, so that he, she, or they, have it completed within ninety days after notice in writing being given for that purpose by the town council or any person by them appointed.

Collection of taxes.

SECTION 19. That all taxes assessed by the burgess and town council shall be collected by their collector in the same manner as is or may

be prescribed by law for collecting county taxes; and the said burgess and town council are hereby authorized to collect the charges on land for curbing and paving foot-ways, and for relaying and repairing said pavements and curb-stones, by bringing suit against the owners of said lands; and the better to secure the payment of the same, every lot or piece of land in said borough shall be subject to a lien for all expenses for work done and materials used in and about the curbing, paving, and repairing the footways or side-walks opposite said lot or piece of land, which lien shall be preferred to every other lien or incumbrance on such lot or piece of land, which lien shall remain and continue until the expiration of nine months after the work shall have been finished, although no claim shall have been filed therefor; but said liens shall not continue longer than said period of nine months, unless a claim be filed in the office of the prothonotary of the county before the expiration of that period.

SECTION 20. That every claim filed as aforesaid, shall set forth the name of the owner or owners, or reputed owner or owners of said lot, the amount or sum claimed to be due, the locality of the lot, with such description as shall be sufficient to identify the same, together with a statement showing the number of feet of curb stone, the quantity of brick or paving stone, the number of yards of paving, or the number of days' work done, as the case may be; also the time when the work was finished; and every such claim shall be entered in the name of the "burgess and town council of Bridgeport," and shall be signed by the burgess and town clerk; and the proceedings to revive said lien, or recover the amount of any such claim, shall be the same as is provided by the laws of this Commonwealth in the case of mechanics' liens.

Claims filed to set forth name of owners, &c.

SECTION 21. That in actions of *scire facias*, brought for the recovery of any claim for curbing, paving, or repairing, or for all or any of them, the plaintiff shall only be required to prove that the defendant was the reputed owner when the claim was filed, that the work was done or materials used, and the just value thereof; and it shall be only lawful for the defendant to deny that the said work was done, or materials furnished, or to prove that the price charged is greater than the value thereof, or that the amount claimed has been paid for or released.

Scire facias, proceedings on.

SECTION 22. That Perry M. Hunter, Lawrence E. Corson, Alexander H. Suppler, and Mehelin M'Glatheery, be, and they are hereby appointed commissioners, and they, or any three of them, being duly sworn or affirmed to perform their duties with impartiality, shall have full power and authority to lay out any and all streets in said borough which they shall think proper for the improvement thereof, or necessary for the convenience of its citizens or the public; and shall have also full power and authority to vacate, alter, and extend such streets, lanes, and alleys, as are already laid out, taking care in the performance of said trust to do no unnecessary damage to private property; and the said commissioners shall have power and authority to name the streets so laid out by them, and also all others widened, altered, or extended by them, and shall make report of their proceedings within one year from the passage of this act, which report shall be accompanied by a plan or plot of all the streets, lanes, and alleys, as well of those previously laid out, as of those laid out by them in pursuance of this act, designating therein the alterations and extensions by them made, and the width and names of the respective streets, lanes, and alleys, with such other matters as may be necessary, in order to form a complete plot of the said borough to the Court of Quarter Sessions of said county of Montgomery; and the said report shall be recorded in the Recorder's office in said county, and a certified copy thereof shall be

Commissioners to lay out streets, &c.

Further powers.

evidence in all matters in which such record is pertinent; and the streets, lanes, and alleys so laid out, shall from thenceforth be opened for public use in the same manner as if they had been laid out by an order of the court in the usual way; and each of the said commissioners shall receive the sum of one dollar and fifty cents per day for each and every day they shall be employed in their duties as aforesaid, which shall be paid by the corporation of said borough.

Damages, how
adjusted.

SECTION 23. That any person who shall sustain any damage by the laying out, opening, altering, or widening of any street, lane, or alley, within the said borough, by virtue of the powers given by this act, shall have all the rights and remedies provided by the fourteenth section of the act entitled "An Act for laying out, making, and keeping in repair the public roads and highways within this Commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two.

Vacancies of
commissioners,
how filled.

SECTION 24. That should either of said commissioners die, or refuse to serve, the Court of Quarter Sessions of the county of Montgomery shall, upon the petition of the burgess and town council of said borough, have full power to appoint a suitable person or persons to fill such vacancy or vacancies as may be occasioned by death, resignation, or otherwise.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 93.

AN ACT

To vest in Sarah Bower, of Perry county, the right of this Commonwealth to the estate of David B. Ewing, of said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all the right which this Commonwealth may have or might have acquired by reason of an escheat, for want of heirs of David B. Ewing, deceased, of Perry county, in, and to a certain sum of money, now in the hands of David Gutshall, or which may hereafter come into the hands of the said David Gutshall, administrator of said deceased, whereof the said David B. Ewing died seised and possessed, is hereby vested*

in Sarah Bower, the mother of the said David B. Ewing, now inter-married with the said David Gutshall.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 94.

AN ACT.

To form the borough of Huntingdon, in the county of Huntingdon, into a separate school district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the incorporated limits of the borough of Huntingdon, in the county of Huntingdon, shall hereafter form a separate district for common school purposes, and the school directors elected in said borough shall perform the same duties, and possess the like power in all respects as school directors elected under laws now existing, or that may hereafter be enacted relative to a system of education by common schools: Provided however, That the said borough shall not be a separate district for general election purposes.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 95.

A SUPPLEMENT

To the act entitled "An Act for the erection of a house for the support of the poor in the county of Mifflin, &c.," approved the twenty-second day of April, one thousand eight hundred and fifty, to lay out a State road from John Galers in Union county, to Benedict's Mill, in Mifflin county, relative to the width of South Third street, in the borough of Lewistown, and to the erection of a bridge across the Meshoppen creek, in Wyoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the proceeds arising from the sale of the poor house farm belonging to the borough of Lewistown, Mifflin county, sold by the burgess and town council of said borough, by virtue of the nineteenth section of said act to which this is a supplement, and directed by the said act to be paid into the borough treasury for the general purposes of said borough, is hereby directed to be paid into the county treasury of said county, to be applied to the payment of county tax assessed on said borough, until said fund be exhausted.

SECTION 2. That William Johnston and John Ruhl, of Union county, and Jesse Wingate of Mifflin county, be, and they are hereby appointed commissioners, to view and lay out a State road from John Galers, in Union county, by way of Swift run, to Benedict's Mill, in Mifflin county.

SECTION 3. That it shall be the duty of the said Board of Commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same on the nearest and best ground to a straight line, and in no place to exceed an elevation of five degrees.

SECTION 4. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ at a per diem allowance not exceeding one dollar, two chain-carriers and one axeman, and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents each, for each day necessarily expended in the discharge of the duties enjoined by this act; and the said commissioners performing the duties of surveyor, shall have and receive an additional compensation of one dollar per day, for each and every day spent in the laying out of said road, to be paid in manner and form as hereinafter directed.

SECTION 5. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road respectively, noting thereon the courses and distances as they occur, and improvements, and also the crossing of township lines as near as may be, roads and waters, with such other matters as may serve for explana-

tion, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of September next, and one copy in the offices of the clerks of courts of the respective counties in which the said road may be laid out on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

To be filed.

SECTION 6. That the accounts of the said commissioners for their own pay, and the pay of their chain-carriers, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties on warrants drawn the usual way.

Accounts, how settled.

SECTION 7. That the said commissioners shall meet on or before the first Monday of June next, or as soon thereafter as practicable, and complete the view of said road; and if any vacancy occur, the Court of Quarter Sessions of the county where such vacancy occurs, shall supply by the appointment of suitable persons, who shall perform said duty.

Meeting of commissioners.

WHEREAS, A road has lately been laid out in the borough of Lewisburg, in the county of Union, from the south side of Saint George street to intersect the Selinsgrove road, which said road is a continuation of said Third street, and laid of corresponding width, viz., sixty-six feet, and the damages to the owner of the land through which the same passes assessed accordingly.

Preamble.

And whereas, The report of the viewers on the said road has been confirmed, but the width of the road fixed at fifty feet beyond which the court had no power to go; therefore,

SECTION 8. That from the south side of Saint George street, in said borough, south thirty-four degrees, west eleven perches, to the northern boundary line of the lands of the "University at Lewisburg," the width of the road laid out as aforesaid as a continuation of south Third street, be, and the same is hereby fixed at sixty-six feet, and the street commissioner of said borough is hereby authorized and required to open out said road accordingly.

Width of South Third street continued.

SECTION 9. That the Canal Commissioners are hereby authorized and required to erect the new bridge across the Meshoppen creek, in Wyoming county, near by Hollenback, Overfield's, and Sterling's Mills above the mouth of the Little Meshoppen creek, at the most convenient place to connect with the several roads leading to the village of Sterlingville.

Bridge over the Meshoppen creek authorized to be erected.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 96.

A SUPPLEMENT

To the act providing for the publication and distribution of the pamphlet laws of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Secretary of the Commonwealth in the publication of the pamphlet laws, immediately after the adjournment of each Legislature, to select all acts and parts of acts which are of a general nature and applicable to the entire State, and cause one thousand copies thereof to be published in pamphlet form as speedily as possible, under and in accordance with the existing laws regulating the public printing.

Duties of the
of the Secretary
of the Common-
wealth relative
to the publica-
tion of public
acts.

Further duties.

SECTION 2. That immediately after the publication as aforesaid, the Secretary shall forward by mail one copy of the said pamphlet to each law and associate judge, each prothonotary and each district attorney in the State, and five copies to each member of the Legislature, for distribution, retaining such number not exceeding one hundred, as may be deemed necessary for the use of the officers of Government.

Privileges of the
State printer.

SECTION 3. That it shall be lawful for the State Printer to publish and sell such additional number of copies of said pamphlet as he may deem proper: *Provided,* That no such sale shall be made until the copies published for the State are delivered to the Secretary, and distributed.

SECTION 4. That the nineteenth section of an act entitled "A further supplement to the several acts relating to auctions and auctioneers, and for other purposes," approved April eighth, one thousand eight hundred and forty-two, and so much of any other act of Assembly as conflicts or is inconsistent herewith, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNTSON.

No. 97.

AN ACT

To authorize the Commissioners of Columbia county to convey certain real estate, and William Armstrong, of Jefferson county, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Commissioners of Columbia county are hereby authorized to convey to William M'Kelvy and John Ramsey, by deed under their hands and seals, a certain lot of ground situate in the town of Bloomsburg, in said county of Columbia, containing about one-half acre, conveyed to the said county by Charles Kahler and Nancy, his wife, by deed bearing date the first day of August, one thousand eight hundred and forty-six, and upon the execution and delivery of such conveyance, the title and interest of the said William M'Kelvy and John Ramsey in and to the said lot of ground shall become firm and effectual, to hold to them and their heirs and assigns in fee simple, free and discharged from any interest or claim of the said county of Columbia in or to the said lot of ground or any part thereof.

SECTION 2. That William Armstrong, of the county of Jefferson, be, and he is hereby authorized to sell at public or private sale, so much of the real estate of Elizabeth Armstrong, minor daughter of George Armstrong, deceased, as the said William Armstrong may deem advisable, and put the proceeds thereof to interest, on good security, until the said minor shall come at her majority; and the said William Armstrong is hereby fully empowered to convey said property, when sold, to the purchaser thereof by deed in fee simple, which shall be as available in law as if said sale had been made in pursuance of an order of the Orphans' Court of Jefferson county: *Provided*, Before said William Armstrong shall enter upon the discharge of the duties above enjoined, he shall execute a bond with sufficient security, which shall be accepted by the Orphans' Court of Jefferson county, for all moneys that may come into his hands from the proceeds of said sale.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 98.

AN ACT

For the relief of John M'Cord.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of John M'Cord, for work done by him on the North Branch Canal, and report to the Legislature the facts upon which the claim is founded, the amount of damages, if any, coming to the claimant.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 99.

AN ACT

To defray the expenses of introducing gas, chandeliers, and other fixtures, into the public buildings, and to pay for the construction of a new board walk.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of five thousand and sixty-six dollars and twenty-six cents be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the expenses of introducing gas into the public buildings, and for chandeliers and other fixtures, and for the construction of a new board walk; and that the Auditor General, upon settlement of the accounts of the contractors,*

be, and he is hereby authorized to draw his warrant on the State Treasurer for the amounts due them respectively.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 100.

A SUPPLEMENT

To an act authorizing the Governor to incorporate the Green Lane and Goshenhoppen Turnpike Road Company, passed the thirteenth day of March, one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act to which this is a supplement, as requires the road to be made by the Green Lane and Goshenhoppen Turnpike Road Company to terminate at or near George Walters' mill, in the township of Upper Milford, in the county of Lehigh, be, and the same is hereby repealed.*

SECTION 2. That it shall and may be lawful for the president and managers of said company to lay out the route of the said road, beginning at the termination of the Perkiomen and Sumneytown turnpike road, in the township of Marlborough, in the county of Montgomery, and from thence by such route as shall appear to the said managers to be advisable, to such point as they shall select for its termination, at or near Samuel Treichlers' store, in Hereford township, Berks county, for which purpose the said company shall enjoy all the rights, powers and privileges conferred on them by the act to which this is a supplement.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 101.

AN ACT

Relative to the Williamsport and Elmira Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the owners of the Williamsport and Elmira Railroad and its privileges and advantages under the sequestrator's sale, authorized by the act of fifth April, one thousand eight hundred and forty-nine, shall be authorized to convert their interests into stock, and all certificates of stock hereafter issued by said corporation shall be subject to the regulations prescribed by the fifth section of the act of Assembly of this Commonwealth, passed the nineteenth day of February, one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies."

Owners of the Williamsport and Elmira Railroad, &c., authorized to convert their interests into stock, &c.

Further authority given to the Williamsport and Elmira Railroad Company.

SECTION 2. That the Williamsport and Elmira Railroad Company shall have authority to annex to the mortgage bonds authorized by the act of thirtieth April, one thousand eight hundred and fifty, for the purpose of obtaining a loan to complete the said road, the privilege of converting the same into the capital stock of the company at par at the option of the holders, if such election be signified in writing to the company three years before the maturity of said bonds; and the said company are authorized to sell and dispose of the said bonds within or beyond this Commonwealth, at such rates above or below par as may be agreed upon between the parties, and such sale shall be as valid as if sold at par.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 102.

A N A C T

For the relief of the Presbyterian Church and Congregation of Wellsborough.

WHEREAS, It appears by the petition of B. B. Smith, John N. Bache, Henry Sherwood, R. G. White, and Charles G. Osgood, that on the eighteenth day of February, Anno Domini, one thousand eight hundred and forty-seven, the court of Common Pleas of Tioga county, Pennsylvania, made a final decree, incorporating "The Presbyterian Church and Congregation of Wellsborough," constituting E. J. Hamilton, and others, trustees of the said corporation, to which said act of incorporation by the said court, articles of association similar to the articles hereto attached were annexed. Preamble.

And whereas, The said articles of association of the said corporation have been lost or abstracted from the files or records of the prothonotary's office of said county; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following articles be substituted for the ones so lost, and shall be the articles of association for the corporation aforesaid, the same as though they had been the original articles, and that all the proceedings held and had under and by virtue of the said articles of association so lost as aforesaid, shall be held and deemed to be valid and effectual to all intents and purposes as fully as though the same had not been lost. Articles of association for those lost.

ARTICLE I.

This society shall be known by the name of "The Presbyterian Church and Congregation of Wellsborough."

ARTICLE II.

The object of this society shall be to provide for the worship of Almighty God according to the principles and usages of the Presbyterian church in the United States. Object.

ARTICLE III.

The annual income of the society shall never exceed two thousand dollars (\$2,000), the property of the same and its lawful management shall be vested in a board of trustees to consist of six persons, who shall choose from among their number a president and secretary, and Annual income.

from the members of the congregation, but not of their own number, a treasurer to receive and disburse all the funds raised by this society, and account for the same to the trustees as often as they shall direct.

ARTICLE IV.

Annual meeting The annual meeting of the church and congregation, for the election of trustees, and the performance of such other business as may be for the interest of the society, shall be on the first Monday of September in each year, public notice having been given of the same from the pulpit the Sabbath immediately preceeding.

ARTICLE V.

Votes Any person owning or leasing a pew in the church of said society, or contributing not less than one dollar annually for its support, shall be entitled to a vote in the election of trustees or pastor; a plurality of votes, or in case of a tie the casting vote of the president of said meeting shall decide the election,—such voters and not the trustees shall have power to procure the services of a minister from time to time, either by their own votes or by a committee of supplies, to be chosen by them for that purpose, which committee shall have power to call a meeting of the congregation for the election of a pastor to be settled over them.

ARTICLE VI.

Vacancies. Any two members of the board of trustees may call a meeting of the board for the transaction of business, such as filling vacancies in their own numbers accruing by the death of any of their members, or doing any such business as pertain to the welfare of this society.

ARTICLE VII.

Trustees powers The trustees and their successors in office, shall have power to enact and enforce such by-laws or ordinances as shall be proper and necessary for the regulation and transaction of the business of the society, said laws not be inconsistent with the laws of the United States or of this Commonwealth, to change the annual meeting for the election of trustees as the same may be convenient; or if the congregation shall fail to elect trustees on the day appointed in these articles, the trustees may appoint a subsequent day for said election, notice having been previously given from the pulpit.

ARTICLE VIII.

Present trustees. The following named persons shall be trustees until others shall be appointed or elected in the manner herein provided, R. G. White,

Charles C. Osgood, B. B. Smith, Samuel E. Ensworth, Chauncey Austin, and John N. Bache, the first two named to continue in office until the first Monday of September, one thousand eight hundred and fifty-one, the next two named to continue in office until the first Monday of September, one thousand eight hundred and fifty-two, the last two named to continue in office until the first Monday of September, one thousand eight hundred and fifty-three, at which meetings annually from year to year, two persons shall be elected to supply the place of those going out of office.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 103.

A N A C T

To lay out, and cause to be opened, a public road from Peach to Liberty street, in the county of Erie, and relative to school and election districts in Bedford, Fulton, and Westmoreland counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Erie, and the road commissioners of the township of Mill Creek, in the county of Erie, or a majority of them, be, and they are hereby authorized and directed as soon as conveniently may be, to lay out and cause to be opened a public street of the width of fifty feet, commencing at a point on the west line of Peach street directly west, and in a line with Buffalo street, being the south line of the borough of Erie, and extending westwardly along the boundary line of the said borough and township from Peach street to Liberty street, twenty-five feet in width of the said street to be taken from the south, and the same from the north of the said boundary line, the damages, if any, to be ascertained as provided by the road laws in and for the county of Erie; the expense of laying out, opening, and keeping in repair the said road, to be equally paid by the borough of Erie and the township of Mill Creek.

Public road from
Peach to Liberty
street, in the
county of Erie,
authorized to be
laid out.

SECTION 2. That after the first day of April, eighteen hundred and fifty-one, the qualified voters of the township of Hopewell, in the county of Bedford, shall hold their general, special, and township elections at the house of John Gossage in said township.

Hopewell town-
ship, Bedford
county, place of
holding election.
in.

SECTION 3. That the township of Wells, in the county of Fulton, is hereby divided into four sub-school districts, and the school directors of said township are hereby authorized and required to apportion the school fund among the different districts.

Wells township,
Fulton county,
divided into sub-
school districts.

Bethel town-
ship, Fulton
county, relative
to elections in.

SECTION 4. That it shall be lawful for the qualified voters of the township of Bethel, in the county of Fulton, at their township election in March, eighteen hundred and fifty-one, to vote for or against a removal of the place of holding their elections as follows; to wit: each voter shall deposite a ticket labelled "elections," and containing on the inside thereof, "for removal" or "against removal," as such voter may desire. If a majority of the votes cast shall be found to be "for removal," then the place for holding elections for said township shall thereafter be at the school house, in the village of Werefordsburg in said township, otherwise it shall be and remain where it now is.

Farm of Thomas
Loyde attached
to Pleasant
Grove school
district.

SECTION 5. That hereafter the farm of Thomas Loyde, now included in the Pleasant Grove school district, composed of parts of Donegal and Ligonier townships, in the county of Westmoreland, shall no longer be included in such school district.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 104.

A N A C T

To lay out a State road from Carmichaeltown, in Greene county, to Millsboro', in Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. Justice Jarard and Israel L. Craft, of Green county, and Andrew Alexander, of Washington county, be, and they are hereby appointed commissioners to view and lay out a State road from Carmichaeltown, in Greene county, by way of Rice's landing, to Millsboro', in Washington county.

Duty of com-
missioners.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them appointed to view as aforesaid, after having been duly sworn or affirmed before some justice of the peace (who shall file and preserve the same in his office), to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the departure from a horizontal line shall in no points exceed five degrees, except at crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit.

SECTION 3. That said commissioners shall have authority by this Power to vacate act to vacate so much of any road or roads as may be supplied by the roads, &c. new road, if it should appear expedient so to do; and in case where the road hereby authorized to be laid out shall come near any public road, said commissioners may lay out and form a connection where it may be advantageous for the public interest.

SECTION 4. That it shall be the duty of said commissioners to have Further duties due regard to crossing of waters, nature of the ground, and damages of said commis- to private property, and all other circumstances that may affect the sioners. route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall necessarily be employed in performing the duties of this act; and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ two chain-carriers and one axe-man, at a per diem allowance not exceeding one dollar.

SECTION 5. That it shall be the duty of said commissioners to make Make drafts. out a fair and accurate draft of the location of said road, noting thereon the courses and distances, the improvements passed through, and also the crossing of township lines, roads, and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of January, one thousand eight hundred and fifty-two, and one copy in the office of the clerk of the Quarter Sessions of the counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened the width of forty feet, and repaired in all respects as roads are opened and repaired, laid out by order of courts, and damages sustained by the owners of private property assessed and paid in the same manner.

SECTION 6. That the accounts of the said commissioners for their own pay and for the pay of the chain-carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, each county to pay its own commissioner or commissioners respectively. Accounts of commissioners, how settled, &c.

SECTION 7. That said commissioners shall meet on or before the first Meeting of com- Monday of June next, or as soon thereafter as practicable, at Carmichael- missioners. town, Greene county, and complete the location of said road; and if any vacancy or vacancies shall happen by resignation or any other cause, the Court of Quarter Sessions of the county of Greene is hereby authorized to fill the vacancy or vacancies by suitable appointments.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOINSTON.

No. 105.

AN ACT

For rebuilding three county bridges in Berks county.

Commissioners
of Berks county
authorized to
erect certain
bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of Berks county be, and they are hereby authorized and required to rebuild the three bridges over the Schuylkill, at or near the city of Reading, known as the Penn Street Bridge, the Lancaster Bridge, and the Poplar Neck Bridge, under and in accordance with the general road laws of the Commonwealth, and the provisions of the Acts of Assembly, approved February twenty-second, eighteen hundred and twelve, April twenty-third, eighteen hundred and twenty-nine, January thirty-first, eighteen hundred and thirty-two, and the supplement thereto, approved March twentieth, eighteen hundred and forty-nine, in relation to the three bridges aforesaid: *Provided*, That it shall be the duty of the commissioners aforesaid to contract, as heretofore, with any person or persons residing in Berks county, who may be desirous of using said bridges, or any of them, for an annual sum to be paid in lieu of the tolls mentioned in the act aforesaid: *And provided further*, That it shall also be the duty of the said commissioners, so soon as the three bridges aforesaid are completed, to file in the office of the clerk of the Quarter Sessions in and for said county, a report containing the total amount of money which shall have been expended in the rebuilding of said bridges, which report, so soon as approved by the Court of Quarter Sessions of said county, shall be held and taken to be the total amount due the said county therefor; and the said commissioners shall on the thirty-first day of December in each and every year, file in the office aforesaid an account of the nett profits, after deducting all expenses, which they have received from the said three bridges for the year immediately preceding; and so soon as the amount of said nett profits shall equal the principal and interest of the sum expended in rebuilding the bridges as aforesaid, it shall be the duty of the said Court of Quarter Sessions of Berks county, to make a decree declaring all the said bridges free, of which decree public notice shall be given by advertisement in two or more newspapers published in the city of Reading.

Repeal.

SECTION 2. That so much of any Act of Assembly as conflicts with the provisions of this act, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 106.

AN ACT

To incorporate the Chestnut Hill Iron Ore Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Moses Taylor, W. S. Wetmore, Samuel Jaudon, W. F. Havermeyer, A. Belmont, Charles A. Hecksher, Simon Cameron, Jacob M. Haldeman, Samuel Shock, James Mehaffey, Philip Dougherty, Dr. Edwin Halde-
man, George N. Eckert, Daniel Stine, Henry H. Fry, Daniel Herr, Archibald Wright, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style, and title of "The Chestnut Hill Iron Ore Company," for the purpose of mining iron ore and transacting the usual business of companies engaged in mining, transporting to market, and selling iron ore, or other products of their mines, and working and smelting the same; and the said corporation by the said name is hereby declared to be and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for its own regulation and management consistent with the laws of the United States and of this Commonwealth, to take, hold, enjoy, mortgage, sell, or otherwise dispose of real and personal property and estates, and generally to do and execute for the well-being of said company whatever lawfully pertains to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true meaning and intent of this act: *And provided further*, That the said company shall not hold more than one thousand acres of land, which shall be situated in Lancaster county, in the State of Pennsylvania, except such portions thereof as may be necessary or convenient as places of deposit in the transportation and sale of their products not exceeding twenty-five acres.

SECTION 2. That the capital stock of the said company shall consist of three thousand shares of fifty dollars each, and such stock shall be deemed to be personal property and shall be assignable and transferable according to such rules as the board of directors may establish: *Provided*, That the said company shall pay to the State Treasurer, for the use of the Commonwealth, a bonus of one per centum upon all of the said capital stock, in annual instalments of five hundred dollars each, the first of which shall become payable on the first Monday of July next: *And provided further*, That the real estate of said company shall not be exempt from taxation for State, county, road, and school purposes.

SECTION 3. That when the corporators hereinbefore named and their associates, successors, and assigns, shall have subscribed the whole number of shares aforesaid, and paid in not less than fifteen per cent. on the said capital, the Governor on due evidence thereof, shall by letters patent, under his hand and the seal of the State, create and erect the

Corporators.

Object.

Privileges.

Capital stock.

Letters patent.

Style.

Affairs of the company, how managed.

said subscribers and their successors and assigns into one body corporate' by the name and style of "The Chestnut Hill Iron Ore Company."

SECTION 4. That the affairs of the said company shall be managed by such number of directors, not less than five nor more than nine, as the by-laws may prescribe, who shall be annually chosen by ballot by a plurality of votes of the shareholders; but no share shall confer a right to vote at any election subsequent to the first, which shall have been transferred within three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society, or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies." The first election shall be held in the city of Philadelphia, within thirty days after the issuing of letters patent, of which election at least ten days' notice shall be given by at least three of the corporators mentioned in this act, personally or by advertisement in two or more newspapers of that city, and subsequent elections shall be held at such convenient times and places as may be appointed by the directors, and with such notices as may be required by the by-laws: *Provided*, That in case of the failure to hold any election, the former directors may continue in office until an election shall be held and their successors chosen.

President.

SECTION 5. That the directors shall, as soon as convenient after their election, choose one of their number as president to serve for one year, or until his successor shall be elected, and they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation, or otherwise, until the next annual election; at all meetings of the board a majority of the whole number of the directors shall form a quorum for the transaction of business.

Forfeiture of stock.

SECTION 6. That the directors may from time to time call in, on thirty days' notice thereof in at least one daily newspaper printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof, at any one time and place appointed; and if any instalment on the stock so called in shall remain unpaid for the space of sixty days after the time so appointed, every such stockholder, or his or her assignee, shall in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same or additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election or any general or special meeting of said company, on whose share or shares any instalments or arrearages may be due and payable more than sixty days previously to said election or meeting.

SECTION 7. That dividends of so much of the profits of said company Dividends. as shall appear to the directors advisable shall be declared twice a-year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days after having been so declared; but such dividends shall in no case exceed the amount of nett profits actually acquired by the said company, so that the capital stock shall never thereby be impaired. If a dividend which shall impair the capital stock shall be made, the directors consenting thereto shall be liable in their individual capacity to the said company for the amount of capital so divided, and each director present when such dividend shall be made, shall be adjudged as consenting thereto unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

SECTION 8. That the said company shall also have power to construct Power to con-
plank roads or railroads with one or more tracks, from their lands or struct plank
mines to such points as they may deem expedient, on the Pennsylvania roads, &c.
Canal, at or near Columbia, the Philadelphia and Columbia Railroad,
or the Lancaster, Mount Joy, and Harrisburg branch railroad, at or
near Columbia, in Lancaster county, and to connect with such canal
or railroads, in such manner however as in no way injuriously to affect
them, and shall be subject to the same provisions in regard to entering
upon land, damage, &c., contained in sections from ten to sixteen in-
clusive, and also in section eighteen of "An Act regulating railroad
companies," approved February twentieth, one thousand eight hundred
and forty-nine, and the said company may from time to time issue and
dispose of in such manner and on such terms as they may deem expedi-
ent, not exceeding ten thousand shares of capital for the purpose of
constructing the said road: *Provided*, That the said additional stock
shall not be issued until the stock created by the second section of this
act shall have been actually subscribed, and the bonus therein provided
for paid to the Commonwealth.

SECTION 9. That the board of directors or any number of stock- General meeting
holders, being together the proprietors of not less than one-fourth of of stockholders.
the whole stock, shall have the power for all purposes relative to the
corporation, to call a general meeting of the stockholders, giving at
least twenty days' notice thereof, to be served personally or by public
advertisement in two of the newspapers published in the city of Phila-
delphia.

SECTION 10. That should the company hereby incorporated, misuse Reservation.
or abuse the privileges hereby granted, the Legislature reserves the
right to alter, revoke, or annul this act; in such manner, however, as to
do no injustice to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight
hundred and fifty-one.

WM. F. JOHNSTON.

No. 107.

A N A C T

To authorize the trustees of Mary P. Lardner, formerly Mary P. Downing, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Edward Perot, Charles Perot, and Samuel B. Morris, all of the city or county of Philadelphia, and the survivors and survivor of them, trustees under the will of the late John Perot, for Mary P. Lardner, formerly Mary P. Downing, and grand daughter of the said John Perot, late of the said city, be, and they are hereby authorized and empowered to grant, bargain, and sell, or to be let on ground rent, all, or any part or parts of the real estate now held or hereafter to be held by them as trustees for the said Mary P. Lardner and her issue, and good and sufficient deeds and conveyance therefor to make, execute, and deliver to the purchaser or purchasers thereof, freed and discharged from all trusts whatever, and without any obligation on the purchaser or purchasers to see to or be responsible for the application of the purchase money: Provided however, That no such sale or conveyance on ground rent shall be made without the assent of the said Mary P. Lardner, evidenced by her sealing and signing the deeds or conveyances therefor: And provided also, That before receiving the said purchase money, the said trustees, or the survivors or survivor of them, shall give security, to be approved by the Orphans' Court of the city and county of Philadelphia, for the due and proper application of the principal and interest of the said purchase moneys according to the true intent and meaning of the will of the said John Perot, deceased: And provided further, That the said court shall approve of such sale or sales.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 108.

AN ACT

Relative to school and election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that portion of the Norwegian township school district lying easterly of the east line of the borough of Pottsville, be, and the same is hereby connected with and made a part of the East Norwegian township school district.

Part of Norwegian township attached to East Norwegian township, for school purposes.

SECTION 2. That the territory in the county of Schuylkill, on the west side of the river Schuylkill, and between the eastern line of the borough of Pottsville and the Penman line of the Port Carbon election district, and whose electors have hitherto voted in the Norwegian election district, is hereby connected with and made a part of the Port Carbon general election district; and all that territory in said county on the east side of the river Schuylkill, and within the said Penman election line, the southerly line of the borough of Pottsville, and the old line of the township of Manheim, and whose electors have hitherto voted in the Norwegian election district, be, and the same is hereby connected with and made a part of the Mount Carbon election district.

Limits of the Port Carbon election district enlarged.

SECTION 3. That all those persons, their heirs or assigns, who contributed money, labor, or building materials to the Union school house, in the township of Bethlehem, in the county of Northampton, shall at their option be permitted to send their children, wards, or servants, to the schools held in the said Union school house; any law of this Commonwealth authorizing the school directors to designate which school house children shall attend to the contrary notwithstanding.

Union school house, Northampton county.

SECTION 4. That it shall not be lawful for the school directors of the said township of Bethlehem to discontinue the schools held in the said Union school house; but that schools shall continue to be held therein as heretofore, and that the said school directors shall pay the expenses of the same out of the township school funds.

Relative to the same.

SECTION 5. That from and after the passage of this act, the election for burgess, town council, school directors, and other officers of the borough of Norristown, as also the election for assessor, constable, and other ward or township officers in said borough, shall be held on the third Friday in March in every year; the elections to be opened between the hours of ten and eleven o'clock, A. M., and to be closed at eight o'clock, P. M., of said day; and it shall be lawful for all persons to vote at such elections who are entitled to vote for members of the Legislature, and who have resided in said borough ten days prior to said election.

Time of holding elections in Norristown.

SECTION 6. That the school directors of East Hanover township, Lebanon county, are hereby authorized to make a loan of not exceeding three hundred dollars, at an interest not exceeding six per cent., for the payment of the debt incurred in building school houses in said township.

School directors of Hanover township, Lebanon county, authorized to make a loan.

Benjamin Brown attached to the German township school district, Fayette county.

SECTION 7. That from and after the passage of this act, Benjamin Brown, a resident of Menallen township school district in the county of Fayette, is hereby attached to the German township school district in said county of Fayette; and all the school tax for which he is annually liable shall be assessed and paid in the German township school district as aforesaid.

Benton township, Luzerne county, place of holding elections in.

SECTION 8. That after the passage of this act, the qualified electors of the township of Benton, in the county of Luzerne, shall hold their general and township elections at the house of A. T. Brundage, in said township.

Wiconisco township, Dauphin county.

SECTION 9. That hereafter, the qualified voters of Wiconisco township, Dauphin county, shall hold their general, special, and township elections at the house of Henry Shaeffer, in said township.

Farm of W. C. McKnight annexed to Armstrong township, Indiana county, for school purposes.

SECTION 10. That the farm of William C. McKnight, of Washington township, in the county of Indiana, shall be, and the same is hereby annexed to Armstrong township in said county, for school purposes only.

Farm of J. St. Clair annexed to White township, Indiana county.

SECTION 11. That the farm of John St. Clair, of Rayne township, in Indiana county, shall be, and the same is hereby annexed to White township in said county.

School directors of Columbus, Sugar Grove, and Pine Grove townships, Warren county, authorized to levy taxes, &c.

SECTION 12. That the school directors of the several townships of Columbus, Sugar Grove, and Pine Grove, in the county of Warren, are hereby authorized to levy a tax upon the taxable inhabitants of any such school district within their respective townships, for the purpose of building or repairing a school house for said sub-district, and to purchase land upon which to place it: *Provided*, That said tax shall not exceed one per cent. in any one year.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 109.

AN ACT

To incorporate in the township of Sandy Creek, Mercer county, a borough to be called the borough of Sheakleyville, and to erect it into a separate election district, and relative to a school district in Armstrong county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the territory lying in the township of Sandy Creek, Mercer county, included within the following boundaries, to wit: Commencing at the north-east corner at a maple tree, said maple standing and situated at or near the corner of lands owned by John Condit and one Law; thence south fourteen degrees, west eighty-five and seven-tenths perches to a post; thence south eighty-nine degrees, west twenty-seven and two-tenths perches to a maple; thence south seven degrees, west twenty-four perches to a post; thence north seventy-six degrees, west eighty-six perches to a post; thence south eighty-eight degrees, west thirty-two and two-tenths perches to a post; thence north one and one-half degrees, east forty-two and four-tenths perches to a post; thence north two and one-half degrees, east fifty-nine and two-tenths perches to a post; thence south eighty-nine degrees, east thirty-nine and three-tenths perches to a white oak; thence north fourteen degrees, east thirty-one and four-tenths perches to a sugar tree; thence south sixty-nine degrees, east one hundred and twenty-four perches to the place of beginning, is hereby erected into a borough, which shall be called and styled "The Borough of Sheakleyville."

Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the General Assembly, having resided therein ten days immediately preceding the election, shall on the third Friday of March next, and on the third Friday in every year thereafter, meet at the public school house in said borough, and then and there, between the hours of two o'clock and six, P. M., elect by ballot one citizen, who shall be styled the burgess of said borough, and four other citizens to be members of the town council, and one person to be constable of said borough, whose name shall be returned to the next Court of Quarter Sessions for the like purposes as in election of township constables; and one person as overseer of the poor. The said inhabitants shall, also, at the same time and place, elect two justices of the peace, one judge and two inspectors of elections, and assessors, agreeably to the laws of this Commonwealth. The said election shall be conducted in the same manner as is provided for the election of township officers of this Commonwealth, except that the certificates of the election of burgess and town council shall be filed among the records of the corporation: *Provided*, That the first election to be held under this act shall be held by John Condit as judge, and William Dunn and D. M. Beaty as inspectors, who are hereby required to attend for that purpose at the public school house in said borough, on the third Friday of March next.

Annual election.

SECTION 3. That from and after the said third Friday of March next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style, and title, of "The Burgess and Town Council of the Borough of Sheakleyville," shall have, possess, and enjoy all the rights, privileges, liberties, and franchises of a borough incorporated in pursuance of the act passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act for the incorporation of boroughs;" and the several provisions of the said act, so far as the same are not inconsistent with this act, shall extend to and be in force in said borough as fully as if said borough had been incorporated agreeably to the provisions thereof.

Style.

Privileges.

SECTION 4. That the said borough shall be a separate election district, and the electors thereof shall hold their borough and general elections at the public school house in said borough: *Provided*, That the said borough shall not be a separate school district, but shall elect school directors in connection with the township of Sandy creek, possessing

Separate election district.

like powers as school directors heretofore elected under the laws of this Commonwealth.

Quorum of burgess and town council. SECTION 5. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power in the absence of the burgess to elect a president *pro tempore*, who shall perform all and every duty enjoined on the burgess in his absence; the burgess and the members of the town council shall in all cases continue to hold their respective offices until their successors shall be duly elected and qualified.

Powers of town council. SECTION 6. That the town council shall have power to pass and enact such by-laws, rules and regulations, and ordinances, as they may deem necessary to promote the peace and good order and general welfare of the inhabitants and well-being of said borough, and for the purpose of improving and keeping in good order the side-walks, streets, lanes, alleys, or other property whatsoever, and also to assess, levy, and collect, and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect; which said taxes shall not exceed in any one year six mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified under their hands to the town council for that purpose, and shall not in any one year make appropriations to exceed the taxes of that year.

Independent school district, Armstrong county. SECTION 7. That the independent school district of Milton, created by the fifth section of an act entitled "An Act to erect part of Norwegian, Branch, Wayne, and North Manheim townships, in the county of Schuylkill, into a separate school district, and relative to school districts in Armstrong, Indiana, Jefferson, and Westmoreland counties," passed the fourteenth day of March, A. D., one thousand eight hundred and fifty, shall for all school purposes be taken and considered to be within the boundaries of Armstrong county; and it is hereby made the duty of the commissioners of Armstrong county to make return to the superintendent of common schools of the number of taxable inhabitants residing in said district, according to the provisions of the thirty-fourth section of the "act relating to common schools," passed the seventh day of April, A. D., one thousand eight hundred and forty-nine.

Gay's school district erected. SECTION 8. That all that part of Donegal township, Westmoreland county, contained within the following described boundaries: Beginning at Andrew Kalb's, at the Somerset and Mount Pleasant turnpike road; thence along said road till it meets the Donegal district; thence along said district to the Four Mile Run district; thence along said district to the house of William Ross; and from thence along the line of the Stahls-town district to the house of John Williams; thence along the line of the Barkley district to the house of the widow Ross; and from thence along the line of the Buechly district to the place of beginning, be, and the same is hereby erected into a separate school district, to be called Gay's district, with all the powers of other school districts, and that John Horner, John Williams, and Henry M'Ilveen, be, and they are appointed school directors of said district, and that they shall be, and they are hereby empowered to hold an election for school directors on the second Tuesday of May, one thousand eight hundred and fifty-one, and that the above-named persons shall hold and exercise the office of school directors, with all the privileges and powers of other school directors, until the first election aforesaid.

SECTION 9. That the farm and premises of Joseph Strode, junior, of Oliver township, Mifflin county, shall hereafter be attached to Granville township; and the farm and premises of Jacob Ort, of Granville township, shall hereafter be attached to the borough of Lewistown, for school purposes.

Farm of Joseph Strode attached to Granville township.
Farm of Jacob Ort attached to Lewistown, for school purposes.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 110.

AN ACT

To incorporate "The Coal Run Improvement Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Taylor, William S. Warner, William M'Knight, Michael E. Tobin, and James Adams, Jr., and the other equitable owners of certain land in Coal township, Northumberland county, their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style, and title, of "The Coal Run Improvement Company," and as such shall have power to take and hold land and real estate in fee simple in the county of Northumberland, and to prove and open the veins of coal and other minerals on or in their land, construct and erect shutes, breakers, screen and fit and prepare the said veins of coal and other minerals to be worked and leased, and to make and construct railroads over and upon their land, and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to the said company, and the said company by the said name is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, to sell and dispose of the products of their land, and to hold and convey such real and personal property as may be necessary to promote the objects of their incorporation, and to do all things necessary to promote the objects and designs of the same according to the true intent and meaning thereof; and the said company shall have all the rights, powers, and privileges, and be subject to all the restrictions, provisos, and liabilities, conferred and imposed upon the Swatara Company by the second, third, and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provided, That* the said company shall elect five directors for the management of the affairs thereof, and fifteen

Corporators

Style.

Powers.

days' notice of the said election shall be given in one newspaper published in the county of Northumberland, and one published in the city of Philadelphia.

Reservation.

SECTION 2. That this act shall continue in force for twenty years from the time of its passage, and that the Legislature reserves the right to alter, amend, or annul this charter at any time hereafter, provided no injustice be done the corporators.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 111.

A SUPPLEMENT

To the act entitled "An Act to incorporate the Waynesboro', Quincy, Funkstown, and Fayetteville Turnpike Road Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the capital stock of the Waynesboro', Quincy, Funkstown, and Fayetteville Turnpike Road Company, incorporated by the act of the twenty-second day of March, one thousand eight hundred and fifty, instead of being divided into fifteen hundred shares of twenty dollars each as provided in the second section of said act, shall be divided into eight hundred shares of twenty dollars each.*

SECTION 2. That so much of the second section of the act to which this is a supplement as is inconsistent with this act, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 112.

AN ACT

To repeal an act authorizing the laying out of a State road leading from Washingtonville, in Montour county, to the borough of Muncy, in Lycoming county, and to vacate part of a certain State road in Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first, second, third, fourth, fifth, and sixth sections of the act of the tenth of April, one thousand eight hundred and fifty, entitled "An Act authorizing the laying out of a State road in Washingtonville, Columbia (now Montour) county, via Turbetsville, in Northumberland county, to a point the nearest and most convenient to the borough of Muncy, on the State road leading from Milton to Muncy, and relative to the assessment of road taxes in certain townships in Mifflin county, and to authorize the school directors of Harrisburg to borrow money, be, and the same are hereby repealed; and that any road that has been laid out by the commissioners named in said sections in pursuance of the authority contained therein, be, and the same is hereby vacated.

Repeal of certain act.

SECTION 2. That so much of a certain State road leading from Orangeville, in Columbia county, to the Susquehanna and Tioga turnpike, near the Long Pond in Lycoming (now Sullivan) county, as lies between the house of Thomas Hess and the house of Isaac Santee, in Sugar Loaf township, Columbia county, is hereby vacated, and the same shall not be opened by the supervisors of the said township.

Part of a certain State road vacated.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 113.

AN ACT

To prevent the destruction of fish in the counties of Washington and Fayette.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

from and after the passage of this act, it shall not be lawful for any person or persons to take fish out of Chartiers' creek and its tributaries, in the county of Washington, and the middle fork of Dunbar and Buck runs, in the county of Fayette, by means of any seine, net basket, or gig, or by changing the channel of said creek or any of its branches, or in any other way except by angling.

SECTION 2. Any person or persons offending against the provisions of the foregoing section of this act, shall forfeit and pay the sum of five dollars for every such offence, with all costs and charges which may be recovered before any justice of the peace for said counties of Washington and Fayette, as debts of a similar amount are by law recoverable; the one-half of the fine to the use of the informer, who is hereby made a competent witness, and the other half to the directors of the poor of said counties respectively, for the use of the said poor.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 114.

AN ACT

To incorporate the Greenville and Centreville Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners.

William Liggitt, George Mabon, Robert Dick, James Downy, Jacob Gamble, Robert Given, Benjamin Elliott, Simeon Truby, James Dick, George Robertson, Nicholas Altimus, Abraham Wolf, Jonathan A. Adair, John Paige, James Lapsley, William Moorhead, W. B. Stewart, John Houston, Thomas M'Candles, William Evans, and James Barr and Andrew Wiggins, of Indiana county, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Greenville and Centreville Turnpike Road Company," to locate and construct a turnpike road from Greenville, in Green township, to Centreville, in Wheatfield township, via Mechanicsburg, in Indiana county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of the said company shall consist of five hundred shares, of twenty dollars per share: *Provided*, The said company may from time to time, at a meeting of the stockholders called for the purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act: *And provided also*, The said company may at their option construct a plank road on any part or parts of the same in lieu of a turnpike, as a majority of the stockholders in amount may determine at a meeting to be called for that purpose, and notice thereof to be first given.

SECTION 3. That the supervisors of the several townships through which said road may pass, may subscribe to the capital stock of the said Greenville and Centreville Turnpike Road Company, to any amount not to exceed twenty shares for each township: *Provided*, A majority of the votes of the inhabitants of each township through which said road may pass shall so decide at the ensuing township election, or at any special election called for that purpose after the passage of this act, for which ten days' notice shall be given by at least six hand-bills, put up in the most public places in each of said townships by the constables thereof.

SECTION 4. That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, then this act shall be null and void, except so far as the same may be necessary to settle up the business and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 115.

AN ACT

To authorize the commissioners of Berks county to sell a lot of ground in the city of Reading, in said county.

WHEREAS, In consequence of having provided a burial ground on the public grounds near the Berks county prison, the lot commonly called Potter's field, located on north Sixth street, in the said city of Reading, and up to this time used as a burial ground for felons and others, has become unnecessary for that purpose and is now supplied as aforesaid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

Preamble.

Commissioners
of Berks county
authorized to
sell certain real
estate.

met, and it is hereby enacted by the authority of the same, That the commissioners of the said county be, and they are hereby authorized to sell at public sale, all that certain lot of ground situate on said Sixth street, in the said city of Reading, between Washington and Walnut streets, being one hundred and twenty feet on said Sixth street, and two hundred and thirty feet in depth, well known as the Potter's field, either in whole or in parts, so that the highest price may be gotten for the same for cash, and that the said commissioners execute a deed or deeds to the purchaser or purchasers for the same.

Notice.

SECTION 2. That the said commissioners shall give notice of their said authority in the public newspapers published in Reading, at least for three months before the sale, in order that the friends of any persons that are now buried there may have time to remove the same.

Proceedings af-
ter sale.

SECTION 3. That after such sale or sales, the money arising therefrom shall be paid into the county treasury, and the receipt in the deed shall be signed by the county treasurer.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 116.

AN ACT

Fixing the place for holding the general and township election in Spring and Alsace townships, Berks county, and in Middletown township, Tioga county, and in Mahoning township, in Montour county.

Spring town-
ship, Berks
county, place of
holding elec-
tions in.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the qualified voters in the new township of Spring, county of Berks, shall hold their general election at the house now occupied by John Heffner, and the township election at the house now occupied by William Masser, in said township; and Aaron Mull is hereby appointed judge, and Elijah Warner and Peter Marshall inspectors, to hold the first township election on the third Friday in March next; then and thenceforth the qualified voters of said township shall elect such township officers, and at such times as now provided by law in other townships in said county.*

Middletown
township, Tioga
county.

SECTION 2. That the qualified voters in the new township of Middletown, in the county of Tioga, shall hold their general and township election at the house of Charles P. Dugles, in said town; and that Thomas Eldridge is hereby appointed judge, and E. G. Smith and

Samuel Briggs inspectors, to hold the first election, after which the qualified voters will elect their judge and inspectors.

SECTION 3. That hereafter the general and township elections in Alsace township, Berks county, shall be held at the house now occupied by Peter Fies, in said township; and John Missimer is hereby appointed judge, and William Smails and Jesse Babb inspectors, to hold the township election on the third Friday of March next.

SECTION 4. That the general and township elections for the township of Mahoning, Montour county, be hereafter held at the court house in the borough of Danville.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 117.

AN ACT

Relative to certain election districts in the counties of Fayette and Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the township of Union, in the county of Fayette, shall be, and is hereby divided into two separate election districts, to be called North and South Union, and that the Cumberland road be the dividing line between the same, and each township shall have a separate window to vote at in the court house in the borough of Uniontown.

SECTION 2. That Thompson McKean, senior, is hereby appointed judge, and John Craig and Jacob Strickler, senior, inspectors, to hold the spring election in March, one thousand eight hundred and fifty-one, for the North Ward; and Dennis Sutton is hereby appointed judge, and William Barton, junior, and Thomas Acklin, inspectors, to hold the election in the South Ward, in the county aforesaid.

SECTION 3. That it shall be the duty of the judge and inspectors heretofore elected in the borough of Connellsville to hold their spring elections for said borough of Connellsville; and George Buttemore, senior, is hereby appointed judge, and Jacob May and Henry Gibson inspectors, to hold the spring election for the township of Connellsville, in the county of Fayette.

SECTION 4. That hereafter the electors of Collins township, Allegheny county, shall elect only one supervisor and one overseer of the poor of said township; and that each of the said officers shall be required to give a bond with security, to be approved by the Court of

Quarter Sessions of said county, in the sum of five hundred dollars, for the faithful performance of the duties of their office.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 118.

A SUPPLEMENT

To an act authorizing the laying out of a State road from Allentown to Jonestown, and to repeal an act relating to road views in Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first section of the act entitled "An Act authorizing the laying out of a State road from Allentown to Jonestown, and to repeal an act relating to road views in Jefferson county," approved the fourteenth day of March, one thousand eight hundred and fifty, be, and the same is hereby repealed, so far as it relates to that part of said road lying between the borough of Allentown and the Lebanon county line; and the said act so far as it authorizes said road to be constructed between the points of the Lebanon county line to Jonestown, in Lebanon county, shall remain in full force and effect.

Repeal of first
section of cer-
tain act.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 119.

AN ACT

Authorizing John Scott, guardian, to improve certain real estate belonging to his ward, Eliza M. Carlisle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Orphans' Court of Allegheny county be, and is hereby authorized to grant unto John Scott, guardian of Eliza M. Carlisle, upon his application to said court, authority to make such improvements on her real estate in the city of Allegheny, as to the said court may seem conducive to the interest of his said ward, and to direct said guardian to apply such portion of the personal property of said ward thereto, as in the judgment of the said court may be necessary therefor.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 120.

AN ACT

To incorporate Duff's Mercantile College of Pennsylvania.

WHEREAS, Peter Duff, of the county of Allegheny, in the Commonwealth of Pennsylvania, during the year of our Lord, one thousand eight hundred and forty, established in Pittsburg in said county and Commonwealth, an academy for the instruction of youth and others in the branches requisite for a thorough mercantile education; and having through his professional labors and publications upon commercial sciences greatly improved and enlarged the facilities for obtaining the same, in order to give increased efficiency and permanence to his laudable efforts in promoting the cause of commercial education, and thereby advancing the ends and purposes of commerce, it is hereby proposed that his academy be incorporated; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

Preamble.

met, and it is hereby enacted by the authority of the same, That there be, and hereby is erected and established in the county of Allegheny in this Commonwealth, a college for the education of merchants and others, in the various branches of literature and sciences immediately connected with a thorough mercantile education, by the name, style, and title, of "Duff's Mercantile College of Pennsylvania," to be permanently located in the city of Pittsburgh, in said county of Allegheny.

Government. SECTION 2. That said college shall be under the direction, management, and government of six trustees, of whom the president of the college for the time³ being shall be one who shall have power to delegate to the said president all powers which may be intrusted to them under this charter, and the authority of the same, as far as relates to the financial operations of said college, the granting of diplomas, and generally the individual government of said college; and said power shall thenceforth become permanently vested in said presidents; said trustees shall have power to appoint one of their number to preside at the board meetings, and a majority present shall be a quorum, and competent to transact business and to fill vacancies in their own body, by and with the consent of the presidents of the college.

First trustees. SECTION 3. That the first trustees of said college shall consist of the following persons: Peter Duff, president of the college, John B. Warden, William Kerr, Joel Mohler, John H. Mellor, and Thornton A. Shinn; which said trustees and their successors, to be appointed as often as occasion may require, by the votes of not less than four trustees, shall be forever hereafter, and they are hereby erected into and declared to be a body politic and corporate with perpetual succession, and with all the incidents to a corporation, in deed and in law, to all intents and purposes whatsoever, under the name, style, and title, of "Duff's Mercantile College of Pennsylvania," by which name and title the said trustees above named and their successors, shall be able and capable at law and in equity to take to themselves and their successors for the use of said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons, or corporation whatsoever: *Provided*, The annual income of the same, exclusive of the income from students, shall not exceed the yearly value of five thousand dollars; and the same messuages, lands, tenements, hereditaments and estate, real and personal, to grant, bargain, sell, convey, assign, devise, and to farm, let, and place out on interest, or otherwise dispose of, or invest for the use of said college in such a manner as to them shall seem most beneficial for the said college; and to receive the rents, issues, profits, and income of the same, and to apply the same to the proper use of said college, and by the same name to sue, commence actions, prosecute, and defend, implead and be impeaded, in any courts of law or equity, and in all manner of suits whatsoever, and generally by and in the corporate name, style, and title aforesaid, to do and transact all and every business touching and concerning the premises, or which shall be in any manner incident thereto, as fully and effectually as any person or body corporate have power to manage their own concerns; and to hold, enjoy, and exercise all such powers, authorities, and jurisdictions as are held, enjoyed, and exercised by any other college within this Commonwealth.

Seal. SECTION 4. That the corporators may cause to be made for their use a common and corporate seal, with such devices and inscriptions there-

on as they may deem proper, and by and with which all deeds, diplomas, certificates, appointments, and acts of the said corporation, shall pass and be authenticated, and the said seal at their pleasure to break, alter, and renew.

SECTION 5. That the corporators mentioned in this act and their successors, shall have the power and authority of exercising all the privileges and rights conferred by this act, on the corporation of electing and removing officers, professors, teachers, and instructors, of appointing and authorizing a person or persons to carry into execution any resolution or business of the board, and shall have power, by a majority of votes, to make rules, laws, and ordinances, and the same to alter and repeal, and to do everything needful for the support and government of the college and the management of its property and estates: *Provided*, That the said rules, laws, and ordinances, or any of them, be not in violation of the laws and Constitution of the United States, of the State of Pennsylvania, or of the provisions of this act of incorporation: *And provided also*, That said corporators may delegate to the president of the college the above powers and authority, as far as relates to the electing and removing of professors, teachers, and instructors, and generally such other powers as they may deem proper, and for the public good.

SECTION 6. That the president, professors, and tutors, for the time being, of said college, shall constitute the faculty of the college, and shall have power to grant and confirm such degrees in the sciences taught in the college to such students and graduates of the college and others, when by their proficiency in learning, professional eminence, or other meritorious distinction, they shall become entitled thereto, as they may see fit, or as are granted in other colleges of like character in the United States, and to grant to graduates or persons on whom such degrees may be conferred, diplomas or certificates, as is usual in such colleges.

SECTION 7. That no religious sentiments shall be accounted a disability to hinder or debar students from entering said college, prosecuting their studies, and receiving diplomas or certificates, or in any manner to abide their privileges or immunities as students in any department of said college.

SECTION 8. That the time, place, and manner of holding and conducting the stated and regular meetings of the board of trustees, may be established from time to time by the rules and regulations of the corporation, and also the manner of calling special or extra meetings of the board.

SECTION 9. That no misnomer of the said corporation shall defeat or annul any gift, grant, conveyance, assurance, devise, or bequest to the said corporation, or vitiate the same if the corporation be sufficiently described, so that the intention of the parties be obvious.

SECTION 10. That the Legislature hereby reserve the right to alter, amend, or annul, the charter and privileges hereby granted, whenever, in their opinion the same may be necessary for the public good, in such manner, however, that no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 121.

A N A C T

Authorizing the trustees of the Methodist Episcopal Church, in Sadsbury township, Chester county, to sell said church.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James G. Hartshorne, Bennett Chalfant, Charles Rees, and Samuel Freeland, trustees of the Methodist Episcopal Church, worshipping at Sadsburyville Methodist Episcopal meeting house in Sadsbury township, Chester county, or any three of them, be, and they are hereby authorized and empowered to sell either at private or public sale, two several lots or pieces of land containing each one-fourth of an acre, upon which the Methodist Episcopal meeting house stands, with the appurtenances thereunto belonging, situate in the village of Sadsburyville, in the township of Sadsbury and county of Chester, bounded by lands late of John Kendig, deceased, and lands late of George W. Baldwin, deceased, one of said lots being the same which Francis Hoofman and wife, by deed dated October twelfth, Anno Domini, one thousand eight hundred and thirty-two, and recorded in the recorder's office of Chester county, in deed book I five, page forty-two, and the other lot the same which John Kendig and wife, by deed dated May twenty-third, Anno Domini, one thousand eight hundred and thirty-three, and recorded in the said office, in deed book I five, page forty, did convey to Charles Saxton and others, trustees et cetera, in trust for the use of the members of the Methodist Episcopal Church, and to assure and convey unto the purchaser or purchasers thereof, by deed or other legal conveyance in fee simple, the said two lots with the meeting house erected thereon, and the appurtenances thereto belonging, and all the right, title, and interest of the said Methodist Episcopal Church in and to the same, and discharged from the said trust; and the proceeds of the sale thereof of the said trustees, after payment of the costs of sale, if any, shall appropriate first to the payment of the debts of the said Methodist Episcopal Church on the said lots and building, or which were incurred for the purposes of the said church and appropriated to its use and benefit, and the remainder, if any, as may be directed by the quarterly conference with which the said church is connected: *Provided*, That before said sale or sales shall become valid, the court of Common Pleas of said county shall approve and confirm the same, and take such order in the premises as will effectually protect the interest of creditors and lien holders.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 122.

AN ACT

Fixing the guages of railroads in the county of Erie.

WHEREAS, The guages or width between the rails of the several railroad tracks in the State of New York are four feet eight and one-half inches, or six feet.

And whereas, By the general railroad law of the State of Ohio, the guages of the railroads of that State are fixed at four feet ten inches; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the guage or width between the rails of any track of any railroad running from the borough of Erie, in the county of Erie, westwardly to the Ohio State line, or of any part of any railroad which shall or may be located between a line running due south from the town of Erie to the Ohio river and the Ohio State line or of any railroad, any part of which shall or may be used in connecting any railroad leading eastwardly from the town of Erie, or from any point in the aforesaid due south line with any railroad leading westwardly to the Ohio State line, for the construction of which or either of which a company now is or may hereafter be incorporated by the laws of this Commonwealth, shall be of the width of four feet and ten inches, and no other.*

SECTION 2. That the guage of any railroad running from the New York State line westwardly, shall, as far as the town of Erie, or as far as the line running due south from the town of Erie to the Ohio river, be constructed either of the guage of six feet or of the guage of four feet eight and one-half inches: *Provided*, That nothing in this act contained shall be so construed as in any way to enlarge the privileges or franchises of any company now incorporated by the laws of this Commonwealth, except so far as regards the guage or width between the rails.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 123.

AN ACT

Relative to the Sharon Iron Company, Mercer county, and relative to certain election districts in this Commonwealth

Repeal of second section of certain act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the second section of an act of Assembly entitled "An Act conferring on the Commissioners of Dauphin county the rights and privileges reserved by this Commonwealth, to extinguish the tolls on the bridge erected over the Swatara creek, by the Lancaster, Elizabethtown, and Middletown Turnpike Road Company; relating to Sharon Iron Company, Mercer county, and the claim of William Edge, of Chester county; to incorporate the Honesdale and Delaware Plank Road Company," approved the third day of May, one thousand eight hundred and fifty, be, and the same is hereby repealed.

Wolf township, Mercer county, place of holding elections in.

SECTION 2. That the qualified electors of the township of Wolfcreek, in the county of Mercer, shall hereafter hold their general and township elections at school house number two, near James C. Montgomery's; and Patrick M'Dowell is here appointed judge, and Daniel Kelly and William Patterson inspectors, to hold the next spring elections.

Pine Grove township, Mercer county.

SECTION 3. That the township of Pinegrove, in the county of Mercer, is hereby erected into a separate election district, and the qualified electors thereof shall hold their township and general elections at the house of Charles Cunningham, in the village of Pinegrove; and George Taylor is hereby appointed judge, and William Perry and G. W. White inspectors, to hold the first spring elections therein.

Paupack township, Wayne county.

SECTION 4. That the township of Paupack, in the county of Wayne, shall form and constitute an election district, and the qualified electors thereof shall hereafter hold their general and township elections at the public school house in Purdyville; that the election of township officers for the said township of Paupack for the year eighteen hundred and fifty-one, shall be held on the first Friday of April, eighteen hundred and fifty-one: *Provided*, That all other elections of township officers shall be held at the usual time fixed for holding such elections in Wayne county.

Canal township, Venango county.

SECTION 5. That the qualified electors of Canal township, in the county of Venango, shall hereafter hold their elections at the house of Isaac Hanna.

Upper Hanover township, Montgomery county.

SECTION 6. That hereafter, the qualified electors of the township of Upper Hanover, in the county of Montgomery, shall hold their general elections at the public house of George Graber, junior, in said township.

Saltsburg borough, Indiana county.

SECTION 7. That it shall hereafter be lawful for the citizens of the borough of Saltsburg, in the county of Indiana, to elect at the same time and place of electing judges and inspectors, and other township officers, one burgess, one assistant burgess, two members of council, and one borough constable, who shall enjoy all the official rights and perform the same duties and be subject to the same penalties as

other township constables, as well as perform the duties of borough constable; and the officers duly qualified to hold said borough election are hereby required to hold the election to elect the above named officers, any law inconsistent with this section, and so much of an act as authorizes the citizens of said borough to elect one person to act as high constable, be, and are hereby repealed, so far as relates to said borough.

SECTION 8. That the taxable inhabitants residing within the bounds of the Graysport school district, in the county of Huntingdon, be, and they are hereby authorized to elect school directors to have like privileges as are now exercised by school directors under the general school laws; said election to be held at the school house of the district on the second Friday in March. The said election to be held by the appointment of a judge and inspector by the voters present; and the said district shall be entitled to its share of the State appropriation.

Graysport
school District,
Huntingdon
county.

SECTION 9. That it shall be lawful for James H. Mitchell to act as a justice of the peace in the borough of Johnstown, during the term for which he was elected in Conemaugh township, Cambria county.

James H.
Mitchell, to act
as Justice of the
Peace, &c.

SECTION 10. That on the third Friday in March, one thousand eight hundred and fifty-two, and annually thereafter, the qualified voters of the district of Richmond, in the county of Philadelphia, shall elect three persons to serve as commissioners for the term of three years; and the qualified voters at the same time and place shall elect one person to serve as constable, one person to serve as assessor, and whenever necessary two assistant assessors, to be governed by existing laws of this Commonwealth.

Election of Com-
missioners of
the District of
Richmond.

SECTION 11. That the commissioner whose term of service would have expired in October, eighteen hundred and fifty-one, shall expire on and after the day of election in March, eighteen hundred and fifty-two; and the commissioner whose term of service would have expired in October, eighteen hundred and fifty-two, shall expire on and after the election in March, eighteen hundred and fifty-three; and the commissioner whose term of service would have expired in October, eighteen hundred and fifty-three, shall expire on and after the election in March, eighteen hundred and fifty-four.

Expiration of
term of service.

SECTION 12. That the annual meetings of the board of commissioners of said district shall be held on the first Thursday next after the election held in March, eighteen hundred and fifty-two, who shall organize said board as now provided by law.

Annual meeting

SECTION 13. That the act approved the twenty-fourth day of March, one thousand eight hundred and forty-eight, entitled "An Act authorizing the qualified voters of the Upper Ward, Germantown, Philadelphia county, to elect three commissioners, whose duty it shall be to take charge of the public highways in said ward, is hereby repealed; and the qualified voters of the said Upper Ward, Germantown, shall on the third Friday of March next, and annually thereafter, elect one supervisor of public roads, in the manner provided by law prior to the passage of the aforesaid act, approved March twenty-fourth, eighteen hundred and forty-eight: *Provided*, Said supervisor shall be invested with all the powers and duties conferred upon the road commissioners of the Upper Ward, Germantown, by the acts of twenty-ninth March, eighteen hundred and forty-nine, and of sixth April, eighteen hundred and fifty: *And provided further*, That the said road commissioners shall turn over and deliver to said supervisor all official papers, books, vouchers, moneys, and balances which may be in their hands, immediately after the bonds of said supervisor shall have been filed and approved by competent authority.

Certain act rela-
tive to German-
town repealed.

Mode of voting in Perry county regulated. SECTION 14. That it shall be lawful for the qualified voters of the county of Perry, from and after the passage of this act, to vote for all candidates for the various offices to be filled at any election on one slip or ticket: *Provided*, That the office for which every candidate is voted for shall be designated as required by the existing laws of this Commonwealth: *And provided also*, That any fraud committed by any person voting in the manner above prescribed, shall be punished as similar frauds are directed to be punished by the existing laws of this Commonwealth.

Madison township, Columbia county, erected into a separate election district. SECTION 15. That the township of Madison, in the county of Columbia, is hereby erected into a separate election district; and the general and township elections for the said district shall be held at the house of Jacob W. Warner, in said township; and Gilbert C. McWaine is hereby appointed judge, and David W. Kingsbury and Jacob Cool inspectors, to conduct the first election in March.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 124.

AN ACT

To include within the borough of New Berlin, Union county, a certain lot of ground belonging to Samuel B. Winters, and for the alteration of the borough law of Lewisburg, Union county, and relative to the destruction of fish in Blair county.

Certain property annexed to New Berlin, Union county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all that certain lot of ground situated in the township of Limestone, in the county of Union, now the property of Samuel B. Winters, lying in the north-west corner of Walnut and New Market streets, numbered one hundred and fifty-one in the plan of the aforesaid town, shall hereafter be included within the borough of New Berlin, Union county, and the boundaries of said borough are hereby so altered as to include the same, and the said premises shall be subject to like taxation, and entitled to like privileges, in all respects as other real estate within said borough.

Elections in Lewisburg.

SECTION 2. That at the next election of officers of the borough of Lewisburg, the qualified citizens thereof shall elect six instead of five citizens to act as council for said borough, two of whom shall serve one year, two two years, and two three years; that the persons so elected

shall meet on the first Friday after such election, and shall determine by lot which shall serve the different periods hereinbefore mentioned, and that annually thereafter at the time of holding the borough election, the citizens thereof shall elect two members of the council, who shall serve three years: *Provided*, That in case the council elected at the next election aforesaid shall neglect to meet at the time hereinbefore mentioned, to decide by lot the period each shall serve, then the burgess shall call a special meeting of the council for that purpose.

SECTION 3. That in all cases where the council shall be equally divided on any question before them, the burgess shall give the casting vote. Four of the council shall be a quorum to transact business. Casting vote of burgess, &c.

SECTION 4. That in case of the death, resignation, or removal of the burgess, the council shall elect one, who shall serve until after the next election: they shall also have power to fill vacancies in their own body, occasioned by the like contingencies. Vacancy.

SECTION 5. That the council shall have power to require owners of lots in said borough to pave the side-walks and gutters or water courses where they join streets, in such manner as they may determine by by-laws or ordinances; and in case the owners or holders thereof shall refuse or neglect to comply with such requisition, after having received twenty days' notice from the street commissioners of said borough, the council shall have power to cause the said pavements to be made, keeping an account of the cost of the work and materials, which account shall be signed by the burgess and attested by the clerk, and if not paid by the owners or holders of said lot or lots within thirty days from the date thereof, then the clerk shall cause the sum so due, with all costs accruing thereon, to be entered by the prothonotary of said county with the corporate name of said borough as plaintiff, and the said delinquent lot holder or owners as defendants, which shall have the same effect as a judgment regularly entered in court, for which the prothonotary shall be allowed the usual fees for such entries, defendants to be liable for all costs: *Provided however*, That such owners or holders of lots do not reside within the borough; in which case it shall be the duty of the council to cause the ordinance requiring said pavements to be made, to be published for at least three successive weeks in a public newspaper printed within said borough or county; and if said pavements are not made by such owners or holders of said lot or lots, within thirty days from the date of the first publication of said ordinance, the council may proceed in case of such delinquents in like manner as is herein provided for delinquent owners or holders of lots residing within the borough, adding the costs of said advertisement to the bill of expense for making the said pavements. Powers of council.

SECTION 6. That in all cases when persons owning real estate in said borough shall neglect or refuse to pay his or her proportion of the several taxes assessed (or the owner or owners do not reside within said borough), and sufficient personal property cannot be found within the borough belonging to such owner or owners to pay the same, then it shall be the duty of the town clerk to make out a certified copy of such taxes as are unpaid, signed by the burgess and attested by the clerk, and cause the same to be entered by the prothonotary of said county, who shall be allowed a fee of fifty cents for such entry, and for further proceedings thereon he shall be allowed the same fees as in other similar cases, defendant to be liable for all costs. Taxes.

SECTION 7. That it shall be the duty of the burgess to see that the by-laws and ordinances relating to said borough shall be faithfully executed; and for a failure on his part to fulfil the duties of his office, he may be impeached by the council and removed from office. Duties of burgess.

Repeal.

SECTION 8. That all such parts of the former acts of incorporation as may conflict with the provisions of the foregoing supplement, are hereby repealed.

Repeal.

SECTION 9. That the first section of an act entitled "An Act to prevent the destruction of fish and game in certain counties, and relative to the destruction of foxes in the county of Centre," passed the second day of April, one thousand eight hundred and fifty, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight dred and fifty-one.

WM. F. JOHNSTON.

No. 125.

AN ACT

To fix the place of holding the elections in the borough of Northumberland and township of Coal, in Northumberland county.

Northumber-
land borough,
place of holding
elections in.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of the borough of Northumberland, in the county of Northumberland, shall hereafter hold all their general, special, and borough elections, at the public house now occupied by Augustus Hantz in said borough.

Coal township,
Northumber-
land county.

SECTION 2. That the qualified voters of the township of Coal, in the county of Northumberland, shall hereafter hold all their general and township elections at the public house now occupied by William M. Weaver, in the town of Shamokin in said township.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 126.

AN ACT

To repeal certain road and bridge laws in Crawford and Lawrence counties, approved the seventh day of May, one thousand eight hundred and forty-four, and supplements thereto.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the act entitled "An Act relating to roads and bridges in the counties of Crawford, Clearfield, and Greene, approved the seventh day of May, one thousand eight hundred and forty-four, and all supplements thereto, be, and the same is hereby repealed, so far as relates to the counties of Crawford and Lawrence.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 127.

AN ACT

Relating to certain school districts and roads in Perry county, and relative to to elections in the borough of Landisburg, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the twelfth section of an act entitled "An Act for the sale of certain school houses in Lebanon and Lancaster counties, &c., erecting the township of Tyrone, in the county of Perry, into a separate school district," approved the sixth day of April, one thousand eight hundred and fifty, be, and the same is hereby repealed. Repeal.

SECTION 2. That the citizens of the borough of Landisburg, in Perry county, shall elect one constable, one assessor, and two assistant assessors, and their borough officers, on the usual day for holding the spring elections in the county of Perry, and that the present borough officers be continued until the election of their successors. Landisburg borough.

Supervisors of Olivertownship, Perry county, duties of.

SECTION 3. That it shall be the duty of the supervisors of the township of Oliver, in the county of Perry, within twenty days after their election, and annually thereafter, to divide the public roads in said township into a convenient number of sections, not exceeding one-half mile in length, which they shall number and describe in a book kept by them for that purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair said public roads for one year. And when said supervisors shall have so laid out and divided the public roads as aforesaid, they shall, within two days thereafter, give at least ten days' notice by ten or more hand-bills put up in the most public places in said township, designating the time and place for the taxable inhabitants of said township to meet; at which time and place it shall be the duty of the said supervisors to attend and sell out at public sale on the sections, for the term of one year, to the lowest and best bidder of the taxable inhabitants of said township, the said sections of the public roads according to the terms specified, one section at a time, until all are sold. They shall have authority to adjourn the sale from day to day, until all are sold: *Provided*, That the supervisors shall not be allowed, either directly or indirectly, to purchase or contract for any section of road so sold.

Persons purchasing sections of said road to write their names, &c.

SECTION 4. Any person or persons who shall purchase a section of road as aforesaid, shall write his or their name or names respectively, in the supervisors book, opposite to the section or sections so purchased, together with the amount for which he agrees to repair the section.

Duty of contractors.

SECTION 5. It shall be the duty of the contractors to keep their sections in good and substantial repair, according to the terms of their contract; and if any contractor shall refuse or neglect to keep his or her section in good and substantial repair, according to the terms of agreement, upon complaint of any person made to the supervisors or either of them, it shall be the duty of the supervisors, or either of them, to examine the section complained of, and if there shall be cause for complaint, they, or either of them, shall notify the contractor to put his section in good repair; and if he shall fail or neglect to do so for ten days after being notified, it shall be the duty of the supervisors to repair the same; the expenses for so doing shall be charged to said contractor, and upon refusal by him, her, or them, to pay the same, said supervisors may proceed to recover as other debts of equal amount are by law recoverable, with costs of suit.

Roads to be divided into sections, &c.

SECTION 6. All new roads now laid out, or hereafter laid out, shall be divided into sections, and sold in the manner provided in the first section of this act, for the repair of the public roads. It shall be the duty of contractors for opening new roads, within ten days after signing their contracts, to commence operations on their sections, and shall complete the same without delay.

Duty of the supervisors of Oliver and Centre townships, Perry county.

SECTION 7. It shall be the duty of the supervisors of Oliver and Centre townships, in the county of Perry, to open the new road laid out from a point near Finlan McCowus to a point near Caroline Furnace, in the manner provided in the first section of this act, and shall have the same put under contract on or before the first day of June next. It shall be their duty to have a good and substantial road-way made not less than sixteen feet wide.

Penalty for refusing to perform their duties.

SECTION 8. That if any supervisor shall refuse or neglect to perform the duties enjoined on him by the provisions of this act, he shall forfeit and pay a sum not less than fifty dollars nor exceeding one hundred dollars, to be recovered in a summary way by action of debt in the name of the Commonwealth, before any justice of the peace of

the county, to be applied towards repairing the highways of the township: *Provided*, That such supervisors may appeal from the judgment of such justice to the next Court of Quarter Sessions, who shall take such orders thereon as to them shall appear just and reasonable; and the same shall be final and conclusive.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 128.

AN ACT

To incorporate the city of Carbondale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of the town of Carbondale, in the county of Luzerne, embraced and residing within the following lines of survey, to wit: Boundaries. Beginning at a corner in the southerly line of the township of Fell, at the point where the Milford and Owego turnpike road crosses said Fell township line; thence south thirty-two degrees, west six hundred and sixty-two perches, to a corner in the northerly line of Thomas Meredith's cottage farm; thence by a line due east, four hundred eighty-eight perches, to a corner on the empty or return track of the Delaware and Hudson Canal Company's Blakely Railroad; thence north thirty-two degrees, east six hundred sixty-two perches, to a corner in the southerly line of the township of Fell; thence along the line of said Fell township due west, four hundred eighty-eight perches to the place of beginning, are hereby constituted a corporation and body politic, by the name and style of "The Mayor, Aldermen, and Citizens of Style. Carbondale," and by the same name shall have perpetual succession; and they and their successors, by such name, shall at all times forever Privileges. be able and capable in law to have, purchase, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors forever, or for any other or less estate; and the same lands, tenements, hereditaments, goods, chattels, and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, and encumber, or dispose of at their will and pleasure; and by the said name shall be able and capable in law to sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, mat-

ters and things, that to the said city as a body politic and corporate, in law and in fact, shall and may appertain; and for that purpose shall have and use one common seal, and the same from time to time may change, deface, and make anew.

Divided into
four wards.

SECTION 2. That the said city shall be, and is hereby divided into four wards as follows, to wit: All that part of the territory of said city north of Fifth and Dundaff street, the line of said street being protracted easterly and westerly to the eastern and western boundaries of said city, shall be and compose the First Ward; all that part of the said territory south of Fifth street and north of Seventh street, the line of said Seventh street being protracted as aforesaid, shall be and compose the Second Ward; all that part of said territory south of Seventh street and north of a line running parallel with said Seventh street, and crossing the Carbondale and Blakely turnpike road by the northerly side of the house of Patrick Farrell, shall be and compose the Third Ward; and all that part of said territory south of the last mentioned line, shall be and compose the Fourth Ward of the said city.

Election of coun-
cil, &c.

SECTION 3. That the freemen of the city of Carbondale, citizens of this State or of the United States, who have resided within the bounds of the said city at least one month immediately preceding the election, and within two years paid a city, State, or county tax, shall meet together at the Lackawanna House in said city, on the day of holding the township elections, and elect by ballot twelve persons qualified to serve as members of the House of Representatives of this Commonwealth, to be members of the common council for said city for the year in which they shall be elected; and also at the said election elect four persons qualified to serve as members of the Senate of the Commonwealth, to be members of the select council of the said city; and the first election to be held under this act shall be held and conducted by the board of election then in office for the holding and conducting the general elections for the district of Carbondale; and all future elections shall be held in the respective wards of the said city, to wit: For the First Ward, at the Lakawanna House kept by John Gore; for the Second Ward, at the house of Mrs. Mary Coyle; for the Third Ward, at the house of Mrs. Elizabeth Riley; and for the Fourth Ward, at the house now occupied by Aaron Lewis, at the intersection of the Carbondale and Blakely turnpike road with the Greenfield road in said Fourth Ward, to be held and conducted by one judge and two inspectors, to be elected by the citizens of the said wards respectively, who shall take the usual oaths or affirmations as prescribed by the general election laws of this Commonwealth, to be taken by the judges and inspectors of the general elections; and the said inspectors shall each appoint a clerk, and the judge of the election shall administer the necessary oaths to such clerks; and when such election to be had and held in pursuance of this act shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the person herein authorized to hold and conduct such elections, or a majority of them shall prepare and make, under their respective hands and seals, a return thereof containing the names of each select and common councilman elect, as the case may be, with the number of votes in favor of each of them; and shall within twenty-four hours after the closing of each of the said elections, give notice in writing to each of the select and common councilmen elect of their respective elections to the office of select and common councilmen, as the case may be; and shall also deliver, or cause to be delivered, such return to the select council or to the common council elect, as the case may be, at the times and places in and by this act appointed for them respectively to meet and receive the

Place of holding
elections.

same; and the said returns shall thereafter be deposited and preserved in the office of the clerk of the mayor's court; and that the said wards shall after the passage of this act be separate election districts for the general elections thereafter to be held.

SECTION 4. That the said select and common councilmen elect shall meet at such place in said city as the said councils, each for its own body, may after the first election agree upon, and afterwards at such place as by any ordinance duly passed may be fixed for that purpose, between the hours of ten and twelve of the clock in the forenoon on the Friday next following each and every election of select and common councilmen to be held in pursuance of this act, and shall then and there receive the returns aforesaid, and shall forthwith proceed to examine the same and to judge and determine thereon; and for that purpose, and to the end and intent that this act or the provisions herein contained may not be ineffectual, the said select or common councilmen elect, as the case may be, who shall be elected and returned as aforesaid, or a majority of them, who shall be a quorum for all business, shall be judges of their own elections, and shall have full power and authority to approve thereof or set aside the same, or afterwards to vacate the seat of any member for misbehaviour, neglect of duty, or other misdemeanor, and to order new elections as the law may require to be held, at such times as shall be by such council respectively appointed, of which they shall give at least six days' previous notice in one or more of the public newspapers printed in the said city, which election shall be held by the persons herein authorized to conduct and hold the annual elections of said city, who are hereby enjoined to do and perform the duties herein required of them at such special or occasional election, and to make return of such election in manner as aforesaid, and so in like manner as often as occasion may require, upon the death or resignation of a member or members of either of the said councils.

Returns of election, &c.

SECTION 5. That each and every select and common councilman who shall be elected, chosen, and returned, in manner aforesaid, and whose election shall be as aforesaid approved of, shall before he enters on the execution of his office, take a solemn oath or affirmation before the mayor or recorder of the said city for the time being, "well and faithfully to execute the office of a select councilman or of a common councilman, as the case may be, of the said city," and shall thereupon without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the term of office therein shall expire as directed in and by this act.

Council to take oath, &c.

SECTION 6. That the power of the corporation of the said city shall be vested in the said select and common councils, who shall in common councils assembled have full power and authority to make, ordain, constitute, and establish such and so many laws, ordinances, regulations, and constitutions, *provided* the same shall not be repugnant to the laws and Constitution of the United States or of this Commonwealth, as shall be necessary or convenient for the government and welfare of the said city, and the same to enforce, put in use and execution by constables and other proper officers, and at their pleasure to revoke, alter, and make anew, as occasion may require: *Provided*, The same shall be approved by the mayor, or passed by a vote of two-thirds of each branch of the city councils.

Ordinances, regulations, &c.

Proviso.

SECTION 7. That in order that a knowledge of the said laws, ordinances, regulations, and constitution, may at all times be had and obtained, and the publications thereof at all times be known and ascertained, such and so many of them as shall not be published in one or

Publication of ordinances, &c.

more of the public newspapers in the said city within fifteen days from and after their being severally passed, ordained, and established, and also recorded by the clerk of the common council, who shall keep a separate book for that purpose, and shall be allowed and paid for recording thereof at the same rate as is allowed by law for recording deeds within thirty days from and after their being so as aforesaid passed, ordained, and established, shall be null and void; and before any of the said laws, ordinances, regulations, and constitutions, shall be as aforesaid recorded, the publications thereof, respectively with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

Doors to be kept
open, &c.

SECTION 8. That the doors of the respective halls of the said select and common councils shall be kept open for the admission of all peaceable and orderly persons who shall be desirous of being present at the discussion of any by-laws, ordinances, rules or regulations, for the welfare and government of the said city.

Annual election
of Mayor, &c.

SECTION 9. That the citizens of the said city qualified as aforesaid, shall at the first election provided for by this act, and annually thereafter, elect one citizen of the Commonwealth who shall have resided within the limits of the said city at least five years, for mayor of the said city; at the first election, and triennially thereafter, one citizen of the Commonwealth who shall have resided within the limits of the said city at least three years, for clerk of the said mayor's court; at the first election, and triennially thereafter, one citizen of the Commonwealth who shall have resided within the limits of the said city at least three years, and have been a practicing attorney at least one year before his election, for district attorney, to prosecute the pleas of the Commonwealth in the said mayor's court; at the first election, and annually thereafter, two citizens of the Commonwealth who shall have been resident within the limits of the said city at least two years before the time of their election for constables of the said city: *Provided*, That one of the said constables shall be an inhabitant of the First or Second Ward, and the other an inhabitant of the Third or Fourth Ward. At the first election, annually thereafter, one citizen of the Commonwealth who shall have been resident within the limits of the said city at least one year before the time of his election, for treasurer of the said city; at the first election, and annually thereafter, one citizen of the Commonwealth who shall have been resident within the limits of the said city at least one year before the time of his election, for assessor of taxes for the said city; at the first election, and annually thereafter, two citizens of the Commonwealth who shall have been resident within the limits of the said city at least one year before the time of their election, for overseers of the poor of the said city, one of whom shall be an inhabitant of the First or Second Ward, and the other of the Third or Fourth Ward; at the first election, and once in five years thereafter, the citizens of each ward shall elect one citizen of the Commonwealth who shall have been resident within the limits of the said city at least one year before the time of his election, for alderman of the respective wards: *Provided*, That the three justices now in commission and acting as justices of the peace within the limits of the said city, shall continue to exercise their said offices, to be denominated alderman of the First, Second, and Third Wards, and that no election for alderman of the said First, Second, and Third Wards, shall take place till the commissions of the said three justices shall expire. At the first election, the qualified electors of the said city shall elect three persons qualified to be electors for auditors

of the accounts of the officers of the said city, and the expenses of the corporation; and the auditor elect who shall receive the greatest number of votes shall hold his office for three years, and the one who shall receive the next highest number shall hold his office for two years, and the one who shall receive the smallest number of votes for one year, and at all future elections there shall be one person, qualified as aforesaid, elected auditor, who shall hold his office for the term of three years.

SECTION 10. That the several officers provided for by the preceding section, who by the laws of this Commonwealth are required to find sureties for the faithful performance of their respective trusts, shall, before entering thereon, give security in the same amount and in like manner that similar officers are now required to; and that the same security shall be approved by the mayor or recorder, and filed with the clerk of the mayor's court.

Several officers
to give security.

SECTION 11. That it shall be the duty of the mayor to preside in the mayor's court in the absence of the recorder, to promulgate the by-laws, rules, and ordinances of the corporation; and specially to attend to the due execution and fulfilment of the same; and he shall be entitled to receive, hold, and enjoy all the emoluments which by the laws and ordinances of the corporation may hereafter be annexed and attached to the office of mayor, and the mayor elect shall take a solemn oath or affirmation before the recorder of the said city for the time being, well and faithfully to execute the office of mayor of said city; and shall thereupon enter upon and perform the duties of the said office without any further or other commission, and shall continue in office until a successor shall be duly elected and qualified; and in the case of death, resignation, or removal of the mayor, or other vacancy in the said office, such vacancy shall be filled by a new election for the remainder of his term of office by the said councils within ten days thereafter, and at least five days' notice shall be given in one or more of the public newspapers of the city of the time of holding the same.

Mayor, duties
of.

SECTION 12. That each and every mayor, recorder, and alderman of the said city, who shall misdeemean himself in office, shall be liable to be removed from office in the same manner that justices of the peace are by the Constitution and laws of this Commonwealth removeable for misconduct in office.

Mayor, Recorder, and Aldermen, subject to removal.

SECTION 13. That the said mayor, recorder, and alderman, or any three of them, whereof the mayor or recorder for the time being shall be one, composing and holding a mayor's court, shall have full power and authority, and they are hereby vested with full power and authority to inquire of, hear, try, and determine, agreeably to the laws and Constitution of this Commonwealth, all forgeries, perjuries, larcenies, assaults and batteries, riots, routs and unlawful assemblies, and all other offences which have been committed or shall be committed within the said city, which would be cognizable in any county, Court of Quarter Sessions of the peace of, or for any county in this Commonwealth, had the same offences, or any of them, been committed within any such county; and to punish all persons who shall be convicted of the same offences, or any of them, agreeably to the laws of this Commonwealth; and also to inquire of, hear, try, and determine all offences which shall have been committed within the said city, against any of the laws, ordinances, regulations, or constitutions that shall be made, ordained, and established in pursuance of this act, and to punish the offender and offenders, as by the said laws, ordinances, regulations, or constitutions shall be prescribed or directed; also to impose fines on jurymen and others according to law, and levy the same, and to award process, take recognizances for keeping of the peace, for being of good

Mayor's court.

behaviour, and for appearance or otherwise, or to commit to prison as occasion shall lawfully require, without being accountable to the Commonwealth for any fines or amercements to be imposed for the said offences, or any of them, except such as are or shall be by law made payable into the State Treasury for offences against this Commonwealth, and shall have full power and authority to issue process on all recognizances forfeited in said court, and to prosecute the same to final judgment and recovery, as effectually as the Courts of Common Pleas may or can do, and generally to do all such matters and things within the said city as any Court of Quarter Sessions of the Peace of, and for any county within this Commonwealth may or can do, within any such county; and to the ends and intents, and for the purposes aforesaid, and for such other ends, intents, and purposes, as are in and by this act declared or mentioned, the said mayor, recorder, and alderman, or any three of them, whereof the mayor or recorder for the time being shall be one, shall have full power and authority, and they are hereby vested with full power and authority to hold and keep a court of record within the said city four times in each year, to continue one week each, to wit: the second week in May, the second week in September, the second week in December, and the second week in February, and adjourned courts as often as the business of the said court may require, by the name, style, and title, of "The Mayor's Court for the City of Carbondale," for the enquiry, hearing, trying, and determining of the places and matters aforesaid, and for the punishing of those who shall be found guilty thereof, and for the causing all encroachments in the streets and side walks of said city, and all nuisances to be removed, and for the punishing of offenders, as the laws and usage in such cases require, and for the doing and performing all such other matters and things as are in and by this act made cognizable by them or any of them; and all costs accruing in criminal cases in the said court, and for which in the Court of Quarter Sessions the county would be liable, shall be paid out of the city treasury: *Provided*, That the recorder shall preside at all jury trials in said court.

Jurisdiction of
Mayor's court.

SECTION 14. That the jurisdiction of the mayor's court of said city shall extend to and embrace all appeals in civil cases from the judgments of justices of peace and aldermen of the city of Carbondale; and that they be removed, heard, tried, and determined in the same manner, and under the like provisions and restrictions, as is provided by the laws of this Commonwealth, for cases of appeals to the Court of Common Pleas for such justices and alderman: *Provided*, That no alderman shall be permitted to sit on the trial of any case where the appeal is taken from his decision: *And provided also*, That it shall and may be lawful for any appellant from the judgment of any justice of the peace of the townships of Carbondale, Fell, Greenfield, and Scott, in said county of Luzerne, to have his appeal to the said mayor's court for the city of Carbondale; and all prosecutions for crimes and misdemeanors cognizable in any Court of Quarter Sessions, brought or instituted before any justice or justices of the peace of the aforesaid townships, may be heard, tried, and determined before the said mayor's court; and the justice before whom the said prosecutions are instituted, may commit the defendant or defendants to the lock-up house for the said city, or take his, her, or their recognizance with surety in the usual form, returnable to the said mayor's court for the then next ensuing term.

Appeals.

SECTION 15. That appeals taken from the judgments of justices of the peace, or aldermen, as provided for by any of the preceding sections of this act, and the several actions made cognizable in the mayor's

court by the preceding sections, shall be heard, tried, and determined by the same jurors, who shall, according to the provisions of this act, be empannelled and returned to try the several cases as issued in the mayor's court of the said city; and in case the pannel should become exhausted by the challenges allowed by the practice of the courts of this Commonwealth in like cases, then, and in such case, talesmen should be called by the clerk of the said court to supply the deficiency or deficiencies.

SECTION 16. That all appeals from the judgments of justices of the peace, and all actions and prosecutions, both criminal and civil, made cognizable by the said mayor's court, by the provisions of this act, and which shall be pending and undetermined in the Courts of Common Pleas and Quarter Sessions of Luzerne county, at the passage of this act, may, at the election of both plaintiff or prosecutor, and defendant or defendants, be transferred to the mayor's court of said city, and shall be proceeded on in like manner as if the appeal had been originally taken to, or the action or prosecution had been originally brought in said court, except that the fees on the same due to officers of the county of Luzerne, when recovered by the clerk of the mayor's court, or by the sheriff, shall be paid to them; and it shall be the duty of the prothonotary or clerk of the courts of Luzerne, on application of both the plaintiff or prosecutor and defendant or defendants, to give a certified copy of the docket entries and the proceeding which may have taken place in any suit or prosecution so intended to be transferred as aforesaid, which shall be delivered to the clerk of the mayor's court, and filed and entered in a docket or dockets furnished by him for that purpose, the expense of said certificate to be paid by the party applying for the same: *Provided*, That the clerk of the mayor's court shall receive the like fees and emoluments as the prothonotary or clerk of the Quarter Sessions are entitled to receive for similar services.

Further provisions in reference to appeals.

SECTION 17. That the parties to any civil suit pending in the said mayor's court may arbitrate the same in like manner and with like effect, and subject to the same rules, regulations and restrictions, and with the same rights of appeal, as if the same were pending in the Court of Common Pleas.

Arbitration.

SECTION 18. That if any person or persons shall find him, her, or themselves, aggrieved by any judgment of the said court of record, it shall and may be lawful for the party or parties so aggrieved to sue out and obtain his, her, or their writs of error, which shall be granted in like manner, and under the same regulations and restrictions, as other writs of error in similar cases are or may be granted and made returnable in the northern district of the Supreme Court of this Commonwealth, and shall be proceeded in under the same rules and regulations: *Provided always*, That when any such judgment shall be reversed or affirmed, it shall and may be lawful for the said mayor, recorder, and alderman, and their successors, to proceed to execution or otherwise, as shall, according to law, appertain.

Writs of error.

SECTION 19. That to the end and intent that such persons as may be indicted and outlawed for felonies and other offences, supposed by such indictments or outlawries to have been committed within the said city, and who shall dwell, remove, lurk, or be received without the bounds and limits of the said city, may be brought to justice, the mayor or recorder of the said city for the time being shall, and may as often as occasion may require, issue his writ or writs of capias to the sheriff of Luzerne county, or his deputy, who are hereby authorized to execute the same, and make returns thereof to the said mayor or recorder.

Writs of capias.

Powers of constables,

SECTION 20. That it shall be lawful for any constable or constables of the said city, to whom any warrant under the hand and seal of the said mayor, recorder, and alderman or justices, or any of them, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within the said city, and to bring him, her, or them before the said mayor, recorder, and alderman, or justices, or any of them; and he and they are hereby enjoined and required to execute the same by making of the arrest if the same can be done at any place within the county of Luzerne; and also by bringing such offender or offenders before the said mayor, recorder, and alderman, or justices, or any of them.

Mayor, &c., authorized to issue subpoena.

SECTION 21. That it shall and may be lawful for the said mayor, recorder, and alderman, before whom any complaint, indictment, plea, matter, or thing of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue their subpoena in common form to any person or persons within this Commonwealth, commanding him or them to appear and give evidence therein; and every person to whom the same shall be directed, and on whom service thereof shall be duly made, shall attend accordingly, and give evidence under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly subpoenaed for that purpose.

Sheriff of Luzerne county required to appoint a Deputy, &c.

SECTION 22. That the sheriff of Luzerne county for the time being, is hereby enjoined and required under the penalty of one thousand dollars for each and every neglect or refusal, to be sued for and recovered in the Court of Common Pleas of Luzerne county, as other debts of like amount are recoverable by the city of Carbondale, for the use of said city, to appoint, on the suggestion of the mayor of the said city, one deputy who shall have been a resident of the said city at least one year immediately preceeding his appointment, who shall take the oath prescribed for sheriffs of the several counties of this Commonwealth, and who shall give bail in the sum of five thousand dollars, to the Commonwealth, conditioned as sheriff's bonds are now by act of Assembly conditioned; and whose duty it shall be to serve and execute all process issuing out of the said mayor's court, required to be served and executed by a sheriff, and to carry into effect the sentences and judgments of the said court in all such cases, as the sheriff is bound to do under any order, process, sentence, or judgment of the county Courts of Quarter Sessions, Oyer and Terminer, and Common Pleas; and to take and receive into his custody, the body or bodies of any and all such persons who may be committed to the lock-up house of the said city, until lawfully discharged therefrom; and to receive and keep in safe custody in the lock-up house of the said city until lawfully discharged therefrom, any person or persons who may be committed by virtue of lawful process from the mayor, recorder, or alderman of the said city, in the same manner, and under the same penalties as if he, she, or they, had been committed by the court of Quarter Sessions or any judge thereof; and all neglect of duty, or wilful misbehavior in the said deputy sheriff, or the keeper of said lock-up house, towards such prisoners or any of them, shall be, and the same is hereby made cognizable and punishable in the mayor's court of the said city in the same manner and under the same penalties as the same offences would be punishable in the Court of Quarter Sessions within its jurisdiction.

Duties of Deputy Sheriff.

SECTION 23. That the deputy sheriff, at the expense of the said city, shall provide a wheel for the names of jurors for the trial of causes in the said mayor's court, and as often as may be necessary, the said deputy sheriff, assisted by the four select councilmen and mayor of the

said city, shall select, deposit in said wheel, and draw therefrom, as occasion may require, grand and traverse jurors for the trial of the causes aforesaid, in the same manner and with the like restrictions, and under the like sanctions and penalties as is provided by the laws of this Commonwealth in such cases: *Provided*, The said jurors shall be selected from the citizens residing within the bounds of the said city, the townships of Carbondale, Fell, Greenfield, and Scott, in proportion to the taxables of each.

SECTION 24. That the select councilmen shall also discharge the duties of commissioners of the said city, who shall perform the duties pertaining to the office of county commissioners of the several counties of this Commonwealth; and that within five days after their election as select councilmen, they shall appoint one of their number to be commissioners' clerk, who shall, from the time of his appointment, and while he holds the office of clerk of the said commissioners, have no voice or vote in the deliberations of said board of commissioners, and that while actually engaged as such commissioners and clerk, they shall receive out of the funds of the said city one dollar per day each for their services.

Further duties
of the Select
Councilmen.

SECTION 25. That jurors drawn and in attendance for the trial of causes in said mayor's courts, shall receive only fifty cents per day; and witnesses subpoenaed and in attendance on the trial of causes, or before the grand jury in said court, if they reside within the limits of the said city, shall be entitled to only thirty-seven and a-half cents per day, and in neither case shall they be entitled to travelling expenses.

Pay of jurors.

SECTION 26. That it shall be the duty of the mayor and select and common councilmen of the said city to provide, at the expense of the said city, a suitable building or room for the holding of the mayor's court, and rooms for the meeting of the councils, until a suitable building can be erected and finished for the uses and purposes aforesaid; and as soon as practicable after the first election under this act, it shall be the duty of the said mayor and select and common councils to purchase an eligible site for a city hall and lock-up house for the said city, and to cause to be erected thereon a suitable building or buildings for the holding of the mayor's court, for the meetings of the select and common councils, and for jury rooms, with a fireproof vault for the preservation of the records of the said court and other records of the said city, and also for a city prison or lock-up house, to be done at the expense of the said city: *Provided*, That the whole cost and expense of the buildings and site shall not exceed the sum of five thousand dollars; and for the purposes aforesaid the mayor and select and common councils of the said city are hereby authorized to borrow money, on the credit of the said city, to an amount and sum not exceeding five thousand dollars, and to pledge the stock of the said city, and to mortgage the building or buildings aforesaid, to secure the payment of the interest and principal of the said loan.

Building for the
Mayor's court.

SECTION 27. That until the lock-up house aforesaid shall be completed, all prisoners who would by the provisions of this act be liable to be committed to prison and held in custody, shall be committed to the jail of Luzerne county; and it is hereby made the duty of the sheriff or jailor of Luzerne county to receive the same, and to hold them in safe custody until discharged according to law, or until their personal presence shall be required in the said mayor's court for trial or otherwise; and in all such cases the said sheriff or jailor of Luzerne county shall surrender such prisoner or prisoners upon the order of the recorder of

Lock-up house.

the said city certified under the hand and seal of the clerk of said mayor's court.

Jurisdiction of
Aldermen.

SECTION 28. That the aldermen of the said city for the time being, shall have the same jurisdiction in all civil cases as justices of the peace of the county have, and shall proceed therein in like manner for the like fees and costs, and with the like powers and authorities, and under and subject to the like rules, regulations, and restrictions, and to the like means, process, and execution, as in cases of debt or other demand, or in case of damage, trespass, trover, and rent, before any justice of the peace within this Commonwealth, with the like appeal by the party aggrieved, to the mayor's court of the city of Carbon-
dale.

President Judge
to be Recorder,
&c.

SECTION 29. That the President Judge of the 11th Judicial District of this Commonwealth, or that district of which the county of Luzerne shall constitute a part, shall be recorder of said city, and shall have power to issue writs of habeas corpus in all cases of insolvent debtors, and in criminal cases made cognizable in the mayor's court of said city; and the said recorder shall annually receive out of the State treasury the sum of two hundred dollars, to be paid quarterly, as a compensation for his services.

Probate of
deeds, &c.

SECTION 30. That the mayor, recorder, and aldermen, or any of them, shall and may take and receive the acknowledgment and probate of all deeds and written instruments, and receive the legal fees therefor, which acknowledgments and probates shall be as valid, have the like force and effect, as if the same were acknowledged before a judge of the Supreme Court, or any judge of the court of Common Pleas or justice of the peace within this Commonwealth.

Tavern licenses,

SECTION 31. That it shall and may be lawful for the select and common councils in common council assembled, from time to time to permit and license such and so many inns and taverns, beer houses and auctioneers, and for other purposes, for which licences are grantable by the laws of this Commonwealth within the said city, and the court of Quarter Sessions of Luzerne county shall no longer exercise jurisdiction in granting licenses for inns or taverns within the limits of said city.

Powers of
Mayor.

SECTION 32. That it shall and may be lawful for the select and common councils, when duly assembled from time to time, by any ordinance duly enacted, to vest in the mayor of the said city for the time being, the appointment of such officers within the said city as they may think expedient for the well ordering and governing the same, and to remove the same from such offices or appointments for misbehaviour or otherwise, as may be necessary, which officers shall take an oath or affirmation before the said mayor, recorder, or alderman, well and faithfully to perform the duties of the offices or appointments to them respectively committed, and the said councils may require security to be given by such officers, or any of them, and prescribe the sum and the form in which said security shall be given; and the said officers and their sureties may be sued, and recovery had against them in the city court for breach of official duty or delinquency in paying over any moneys collected by them under criminal or civil process issued by the mayor, recorder, or any alderman of the said city; and for the recovery of fines, forfeitures, and penalties, debts, and other demands, cognizable in the city courts, the ordinary forms of laws shall be pursued in the process, judgment, and the several kinds of execution, as if the same were made cognizable and recoverable in the courts of the county; and all officers and jurors of the said city shall be competent to hear, try, and determine, all

matters and things within their jurisdiction, and all citizens to give testimony, notwithstanding any fine or penalty be made payable for the use of the said city.

SECTION 33. That no alderman of the said city, or any person holding an office of trust or profit under the laws of this Commonwealth, or the ordinances of the select and common councils, the emolument whereof is paid out of the treasury of the said city, shall be competent to serve as a member of the select or common councils. Aldermen, &c., not allowed to serve as councilman.

SECTION 34. That the said select and common councils shall once in every year cause to be published a just and true account of all moneys which shall have accrued to them in their corporate capacity during the year preceeding such publication, and also of the disposition thereof. Accounts.

SECTION 35. That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity and elsewhere, be construed and taken most favorably for the said corporation: *Provided*, That this act and the powers and authorities herein vested in the said city, shall not be impaired, affected, defeated, or destroyed, by any neglect or omission to elect or appoint all or any of its officers at the times allotted for the same; and in case of any such defect or omission, the mayor and aldermen of the said city, or a majority of them, shall forthwith take all necessary measures to cure and supply such defects and omissions, giving due notice thereof in the public newspapers of the said city. Construction of this act.

SECTION 36. That before judgment in any civil case shall be entered by the clerk of the said mayor's court upon the verdict of a jury, the successful party shall pay to the treasurer of said city a jury fee of four dollars, which shall be taxed and paid with the other costs in the case, and that all judgments obtained in the said mayor's court shall be a lien upon the real estate of the person or persons against whom such judgment was entered situate within the bounds of the said city; but before such judgment shall be a lien upon the real estate of the defendant, or of him, his, or them, against such judgment shall have been obtained, situated without the limits of the said city, the party wishing to obtain such lien shall procure from the clerk of the mayor's court a certified transcript of the same, containing the names of the parties and the date and amount of the said judgment, which it shall be the duty of the prothonotary of Luzerne county to enter of record for the fee of twenty-five cents, and from such entry the said judgment shall be a lien upon the defendants real estate within the county of Luzerne, in like manner as if the same had been originally obtained in the Court of Common Pleas of Luzerne county; and as often as the same should require to be revived, proceedings shall at the instance of the plaintiff be had for that purpose in the said mayor's court in the same manner, and with like effect, as if the same had not been removed by transcript; and whenever and as often as the plaintiff shall require execution of his said judgment, it shall be the duty of the clerk of the said mayor's court to issue writs of execution in like form, and with little effect, as now in practice in the courts of Common Pleas of this Commonwealth, including the costs of the entry of the transcript, if satisfied of such entry. Jury fee.

SECTION 37. That it shall be lawful for all persons holding bonds, penal or single bills, notes in writing, or any writing obligatory, wherein is contained a confession of judgment, or which may be accompanied by authority to any other person or persons to confess judgment thereon, to file the same with the clerk of the said mayor's court, Filing of judgments, &c.

whose duty it shall be, for the usual fees now allowed prothonotaries for similar services, to enter the same of record in like manner as they are now entered in the Court of Common Pleas of Luzerne county; and from the time of such filing or entry, such judgments shall be a lien upon all the real estate of the defendant or defendants situate within the bounds of the said city; but for the purpose of acquiring a lien upon the lands and tenements of the defendant or defendants situated without the limits of the said city, the plaintiff shall procure from the clerk of the mayor's court a similar transcript to that directed in the case of judgment entered upon the verdict of a jury, which it shall be the duty of the prothonotary to enter on the application of the plaintiff or his attorney, for the fee of twenty-five cents; and from and after such entry, the same judgment shall be a lien upon all the defendant's real estate situate within the county of Luzerne; and the plaintiff or plaintiffs on such judgment shall be permitted to proceed by execution or otherwise in the said mayor's court, for the recovery of such judgments, in the same manner, and with like effect, as in the case of executions issuing out of the Court of Common Pleas of Luzerne county: *Provided*, That in no case shall the real estate of the defendant situate without the limits of the said city, be levied upon or sold by virtue of any writ issuing out of the said mayor's court: *And provided also*, That no judgment as aforesaid shall be entered in the said mayor's court, where the real debt or amount claimed to be due should exceed one thousand dollars.

Mechanics'
liens.

SECTION 38. That all mechanics' liens, and liens for materials furnished in the erection of buildings provided for and allowed by the existing laws of this Commonwealth, when the building or buildings against which the said lien is or shall be claimed is situated within the bounds of the said city, shall be entered by the clerk of the mayor's court for the fee now provided by law, in a book to be provided by him for that purpose; and all and every such lien or liens shall be proceeded on in the said mayor's court to judgment and final execution, in the same manner, to all intents and purposes, and with the like effect, as if the same had been entered in the prothonotary's office, and proceeded on in the Court of Common Pleas of Luzerne county; and that the fees of all officers connected with the administration of justice in the said mayor's court, and under the corporate authority of the said city, not herein fixed, shall be the same as provided by the fee bills passed twenty-eighth March, one thousand eight hundred and fourteen, and twenty-second February, one thousand eight hundred and twenty-one, for similar services, so far as the same may be applicable, and apply to officers without the city and county of Philadelphia.

Vacancies, how
filled.

SECTION 39. That in case of the death, resignation, or removal of the recorder of the said city, or in case of any other vacancies occurring in the said office, such vacancy shall be filled by a new election to be appointed by the select and common councils within twenty days from the happening of such vacancy, of which election six days' notice shall be given in two newspapers published in the said city, and by hand-bills posted at the places fixed for holding the city elections, at least five days before the time of the holding of such election: *Provided*, That if there shall not be two newspapers published in said city, that notice published in one such newspaper shall be sufficient.

County taxes.

SECTION 40. That hereafter, all county taxes exceeding the sum of three hundred dollars in each year, assessed and collected within the limits of the city of Carbondale, together with the taxes now uncollected within the same, for the year one thousand eight hundred and

fifty, shall be collected for the use of the said city, and paid into the treasury thereof.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 129.

A FURTHER SUPPLEMENT

To an act making valid the filing of the plot or plan of the borough of Wrightsville, and for other purposes, relative to the said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Wrightsville is hereby authorized to cause a certified copy of the plot or plan of the said borough to be filed in the Recorder's office in and for the county of York, and when filed shall be as valid and have the same effect, with regard to the location of the streets, lanes, alleys, and highways, as it would have been if the plot or plan had been filed agreeably with the requirements of the fourth section of the supplement to the act of incorporation of the borough of Wrightsville. Certified copy of the plan of Wrightsville authorized to be filed. i

SECTION 2. That the qualified voters of the borough of Wrightsville shall annually after the passage of this act, elect at the time and place of holding their borough elections, three auditors, one to serve three years, one to serve two years, and one to serve one year, and annually thereafter elect one to serve three years. It shall be the duty of the auditors so selected to meet annually on the second Monday in March (and oftener if necessary) to audit, adjust, and settle the accounts of the burgess, council, and treasurer of the borough of Wrightsville, and the accounts of the school directors of the said borough: *Provided,* That the said burgess and town council, and said school directors, shall have the same right of appeal as is by law allowed from the settlement of township auditors. Auditors.

SECTION 3. That the qualified voters of the borough of Wrightsville shall, after the passage of this act, elect annually four councilmen, together with the chief burgess, who shall act as president of the council, and perform the same duty and exercise the same privilege as the president of the council does under the present act. Councilmen.

SECTION 4. That so much of the second section of an act to erect the towns of Wrightsville and Westphalia into a borough, to be called Repeal.

Wrightsville, relative to the election of five councilmen, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 130.

AN ACT

To change the names of Moses Ellsworth to Robert Robinson, of Andrew Jackson Green to Harry Green Williams, of James Young to James Thompson Young, and of William Harrington Moss to William Harrington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, Moses Ellsworth, of the county of Greene, shall be called and known by the name of Robert Robinson, and by that name shall be capable of suing and being sued, and of taking any real or personal estate by descent, devise, or purchase, and of granting or devising the same in the same manner as if he had always been known by the name of Robert Robinson.

Name of Moses
Ellsworth
changed.

Andrew Jackson
Green.

SECTION 2. That from and after the passage of this act, Andrew Jackson Green, of the Northern Liberties of Philadelphia, shall be called and known by the name of Harry Green Williams, and by that name shall be capable of suing and being sued, and of taking any real or personal estate by descent, devise, or purchase, and of granting or devising the same, in the same manner as if he had always been known by the name of Harry Green Williams.

James Young.

SECTION 3. That James Young, of the city of Philadelphia, in the State of Pennsylvania, be, and hereby is authorized to change his name from James Young to James Thompson Young, and he shall henceforth be called and known by the name of James Thompson Young, and by that name he shall be able and capable in law to sue and be sued, grant, receive, and inherit property, and do all other legal acts and things as fully and effectually, to all intents and purposes, as he could have done under his former name, if no change had been made therein; and all acts and deeds heretofore done by him under the name of James Thompson Young, are hereby declared good and valid as if done under the name of James Young.

William Har-
rington Moss.

SECTION 4. That William Harrington Moss, of the city of Philadelphia, be, and he is hereby authorized to change his name, and shall henceforth be known and called by the name of William Harrington;

and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit any estate, real and personal, and to do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name if no change had been made therein.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 131.

AN ACT

To authorize the Governor to incorporate the Atlantic and Pacific Road and Navigation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Ambrose W. Thompson, A. G. Stein, John C. Drake, William Heil-Corporators.
man, Thomas M. Moore, John Dungan, senior, James S. Mason, Samuel H. Bush, Joseph P. Norris, Peter Armbruster, and H. F. Hover, and their associates and their successors, be, and they are hereby constituted a body corporate, by the name, style, and title, of "The Atlantic and Pacific Road and Navigation Company," for the purpose of Style.
constructing and maintaining a suitable road across the Isthmus of Panama, in the republic of New Grenada, and for mining and manufactur-Object.
ing purposes in said republic of New Grenada (under a grant made by the government of said republic to Doctor Ricardo de la Para) which was subsequently conveyed to trustees, and of holding one or more sailing and steam vessels to ply in connection with said road to and from Philadelphia, Pennsylvania, and the West India Islands, and for such purposes all the necessary and incidental power is hereby granted to said corporation.

SECTION 2. That the capital stock of said company shall be fixed Capital stock.
by the board of directors at a sum not less than five hundred thousand dollars, with the liberty to increase the same to one million of dollars, to be divided in shares of one hundred dollars each, transferable in such manner as the by-laws may direct; the corporation to commence operation when one hundred thousand dollars shall be subscribed, and twenty per cent. of that amount paid in. The aforesaid nine named persons are hereby appointed commissioners to receive subscriptions to the capital stock; and if the whole capital shall not be subscribed at the first ap-

Officers.

pointed time, other subscriptions may at any time be received until the whole amount shall be subscribed for, under such rules as they may adopt; the concerns of said corporation shall be managed by nine directors who shall be stockholders, and who (except the first directors hereby appointed) shall hold their offices for one year, and until others are chosen in their places; the nine persons named in the first section of this act shall be the first directors which shall hold their offices till the first Monday in January, one thousand eight and fifty-three, and until others are elected in their places. In all meeting of stockholders each share shall be entitled to a vote, to be given in person or by proxy; in case it shall at any time happen that an election of directors shall not be made on the day appointed by the by-laws, the said corporation shall not be deemed to be dissolved; but such election shall be held on any other day, public notice having been given thirty days previous to the time of holding such election, which shall be appointed by the directors.

Powers of directors.

SECTION 3. That the directors, of whom five shall constitute a quorum for the transaction of business, shall appoint one of their number as president, and may appoint such other officers and agents as they from time to time may deem expedient and necessary; and they may make and establish such by-laws, rules and regulations, as they shall think proper, touching the disposition and management of the property and affairs; if any vacancy occur by death or otherwise, it may be filled by the remaining directors, and they shall have the power to remove all officers appointed by them.

Further powers.

SECTION 4. That the directors may require payment of subscription to stock at such time and in such proportions as they may think proper, under the penalty of forfeiting all stock or previous payments made thereon, and may sue for and recover all such subscriptions; notice of subscription, and such payment shall be published four weeks previous to such time, at least once in each week, in two newspapers published in the city of Philadelphia; and the said corporation shall have a common seal, and the same may be altered and renewed at the pleasure of board of directors; and all contracts made by and with the said company, may be either verbal or under the signature of the president, treasurer, or other officer or agent of said company, and with or without the corporate seal.

Company authorized to make a certain contract.

SECTION 5. That it shall be lawful for the said company to contract with Abraham G. Stein, John C. Drake, and William Heilman, trustees, for the purchase of all lands, rights, and privileges granted them in the republic of New Grenada, and the said company to receive a conveyance for the same, and hold and enjoy in like manner as the said Abraham G. Stein, John C. Drake, and William Heilman now do or can do, and to lease, sell, and convey or improve any such lands, rights, and privileges, which the said company shall deem necessary.

Borrow money.

SECTION 6. That the said company may borrow from time to time such sums of money as may be necessary in the whole, not exceeding the amount of the capital stock paid in, and may issue and dispose of bonds for amounts so borrowed, and are hereby authorized to mortgage and pledge any part of their property or privileges to secure the payment of such bonds, and the interest accruing thereon; and the said company may confer on the holders of such bonds they may issue, the right to convert the principal or interest or both due thereon, into stock of said corporation, under such regulations as the directors may see proper to adopt; but nothing herein contained shall be so construed as to authorize an increase of capital stock of said company beyond the sum of one million.

SECTION 7. That the Legislature reserves the right to alter or re-Reservation.
peal this act whenever they see proper.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 132.

AN ACT

Authorizing the directors of the City and County Mutual Insurance Company, to wind up and settle the affairs of the company, and distribute the assets among the stockholders.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the City and County Mutual Insurance Company be, and they are hereby authorized and directed as soon as a majority in number of the stockholders of the said company, holding together more than one-half of the whole number of shares of stock of the said company, shall in writing assent thereto, to proceed to close the business, adjust, liquidate, settle, and wind up all the concerns and transactions of the said insurance company, and to convert the assets of said company into money, if the said directors shall deem the same necessary, in order to adjust and distribute the same. Authorized to wind up affairs.

SECTION 2. The said written assent of stockholders may be recorded in the office of the recorded of deeds for the city and county of Philadelphia, and a certified copy thereof shall be as good evidence as the original document; and as soon as such written assent shall be given, the directors shall give notice thereof in at least two daily newspapers in the city of Philadelphia for at least twenty days, and it shall and may be lawful for the said directors at any time after sixty days from the first day of such advertisement, to divide the assets of the said company rateably among the stockholders thereof: *Provided however,* Dividend of assets. That no such dividend shall be made until all the ascertained debts of the said company shall have been fully paid, and a sufficient fund shall also be retained by the said directors to meet all disputed claims and all outstanding risks insured by the said company. And when such claims shall have been adjusted and paid, and said risks terminated or cancelled, then a further and final dividend shall be declared and paid to the stockholders rateably as aforesaid, and the direction of the said company shall be continued until the final dividend shall be paid and

all the affairs of said company closed, and then the charter shall be deemed to be extinct.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 133.

AN ACT

Relating to the appointment of an auctioneer in the borough of York, in the county of York, and relative to the York and Gettysburg Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the provisions of the fifth section of the act of eleventh of April, one thousand eight hundred and forty, which provides for the appointment of an auctioneer in the borough of Williamsport, in the county of Lycoming, be, and the same is hereby extended to the appointment of an auctioneer in the borough of York, in the county of York: *Provided,* That the person appointed auctioneer as aforesaid, shall pay into the treasury of the Commonwealth, the sum of twenty-five dollars for his commission.

Auctioneer for
the borough of
York.

Repeal of cer-
tain act relative
to the York and
Gettysburg
Turnpike Road
Company.

SECTION 2. That an act entitled "An Act to extend the powers of the president, managers, and company of the York and Gettysburg Turnpike Road Company," approved the twenty-ninth day of March, one thousand eight hundred and nineteen, authorizing the president and managers of said turnpike road company to extend the said road from the western end of the borough of York to the Codorus creek, be, and the same is hereby repealed, and that all said road which lies within the limits of the said borough of York, shall be, and the same is hereby declared to be public streets and highways, and subject, as such public streets and highways, to the ordinance of the burgesses and assistant burgesses of the borough of York, and that the said York and Gettysburg Turnpike Road Company be, and hereby is discharged from the obligations of keeping that part of said road which lies within the borough of York, in repair, and from all liability to answer in damages to any person or persons who may be injured by its condition, or to have their gates thrown open on account of its insufficiency or impassable state; and the said "York and Gettysburg Turnpike Road Company" shall have and retain all the rights and privileges, and be un-

der the same restrictions as are granted to and imposed upon it by the original act authorizing its incorporation, approved the eleventh day of March, eighteen hundred and fifteen, as fully and amply as if the act which is hereby repealed had never been passed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 134.

AN ACT

To incorporate the Richmond Gas Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John G. Whelen, Thomas Wiggins, N. F. Campion, R. W. Evans, Edwin R. Cope, John W. Kester, Reese D. Fell, M. S. Buckley, Samuel Townsend, James Martin, Stephen Taylor, Hugh Edams, Hugh Malone, John J. Miller, Thomas Ward, Edward C. Graeff, and Oliver Evans, of Richmond district, or any six of them, be, and they are hereby appointed commissioners to do and perform the several things hereafter mentioned; that is to say, they shall on or before the first day in May next, procure a book which shall be opened at some convenient place in said district, in which they shall enter as follows: “We whose names are hereunto subscribed, do promise to pay to the treasurer of the Richmond Gas Company the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the board of directors, in pursuance of an act of the General Assembly of this Commonwealth, entitled ‘An Act to incorporate the Richmond Gas Company,’ witness our hands this day of in the year of our Lord, one thousand eight hundred and fifty-one,” and thereupon shall give notice in two newspapers published in the city of Philadelphia, for one week at least, of the time and place when and where the said book shall be opened to receive subscriptions for stock of said company, at which time and place two or more of the said commissioners shall attend, and permit all persons of lawful age citizens of this State, or other of the United States, who shall offer to subscribe in their own names, or in the names of any other persons who shall authorize the same, for shares of the stock, upon paying an instalment of two dollars, and fifty cents on each share of stock so by them subscribed, and the said book shall be kept open for the purpose aforesaid at least six hours

Commissioners.

Subscription.

Who may subscribe.

of each day for at least two days, or until the whole number of four thousand shares shall have been subscribed: *Provided*, That no person shall be permitted on the first of said days to subscribe for more than twenty shares of stock, either in his own name or in the name of any other person, nor in like manner on the second day for more than thirty shares of stock; and if at the expiration of the said two days the whole of the four thousand shares of stock shall not have been subscribed, the commissioners may adjourn from time to time until the whole may be subscribed for by any person or persons.

SECTION 2. When five hundred shares or more of the said stock shall have been subscribed, the commissioners, or a majority of them, shall certify to the Governor, under their hands and seals, the names of the subscribers, the number of shares subscribed, and the sum of money paid thereon by each, whereupon the Governor shall, by letters patent under his hand and seal of the Commonwealth, create and erect the subscribers (and if the subscriptions be not for the full number of four thousand shares at time, then also those who may thereafter subscribe for the residue of the shares aforesaid) into a body politic and corporate in deed and in law, by the name, style, and title, of "The Richmond Gas Company," and by the same name the subscribers shall have perpetual succession, with all the privileges, franchises, and immunities, incident to a corporation, and be able and capable to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold, and employ to them and their successors, all lands, tenements, and hereditaments, not exceeding in value forty thousand dollars, and also such other goods, chattels, materials, personal and mixed estate, as may be necessary and proper for carrying into effect the objects and purposes of this corporation, and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and shall have power to make, ordain, establish, and put in execution, such laws, ordinances, and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the laws and Constitution of the United States or of this Commonwealth; to make dividends semi-annually of such portions of the profits actually made as the directors for the time being may deem proper, and also to have and to make a common seal, and the same to alter and renew at pleasure, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the ordering of the affairs of the same; the said corporation shall have power and authority to lay pipes in all or any of the streets, alleys, or lines, throughout the district of Richmond, for the distribution of carbonated hydrogen gas, for the purpose of public or private illumination: *Provided*, That when any of the public highways within the district of Richmond shall be broken up or disturbed by the said corporation for the introduction of gas, the same shall be repaired as soon as practicable by the company at their own cost and expense, under the direction of the superintendent of the highways of the district of Richmond: *Provided*, That nothing herein contained shall be considered as in any way giving to the said company any banking privileges whatever, or any franchises, but such as are or may be necessary or incident to the distribution of gas in the district of Richmond.

SECTION 3. Within sixty days after the issuing of the letters patent, the first named six persons in the aforesaid letters patent shall give at least twenty days' previous notice, to be published in two daily papers of the city of Philadelphia, of the time and place by them appointed for the subscribers of the stock to meet for the purpose of organizing

Letters patent.

Style.

Privileges.

Organization.

said company, by holding an election to choose by a majority of votes of said subscribers then present, by ballot to be given in person, nine directors (being stockholders) who shall hold their offices until the second Monday of January next ensuing, who shall divide themselves in three classes, the first class to serve for one year, the second class to serve for two years, the third class to serve for three years; and annually thereafter on the second Monday of January in each year, the stockholders shall elect three directors to serve for three years, in the place of those whose term of service shall have expired; the directors for the time being shall be empowered to fill any vacancies which may occur in the board. Each stockholder shall be entitled, at any election or meeting of the company, to one vote for each share of stock by him or her held not exceeding five shares, and one vote for every additional five shares which may be held by each stockholder: *Provided*, That no share shall be entitled to vote at any election or meeting of the company, on which instalments or arrearages may have been due and payable more than thirty days' previously to such election or meeting. The directors for the time being shall elect one of their number as president, whose salary shall be fixed by the stockholders, and they shall have authority to appoint a treasurer, secretary, and such other officers as may be necessary to conduct the affairs of the company; they shall keep accurate accounts of their disbursements and receipts, and shall submit to the stockholders, at their annual meeting on the second Monday in January, a report of the condition of the company, accompanied by a statement of the treasurer; and a like report shall be made to the board of commissioners of the district of Richmond.

SECTION 4. The shares of said company shall consist of four thousand. Capital stock.
Should any of the stockholders neglect or refuse to pay their instalments of the capital stock at the time and place appointed, after thirty days' notice requiring the same to be published in two newspapers printed in the city of Philadelphia, the amount previously paid on such stock in thirty days after the time so designated, shall become forfeited to the company, and said stock may be sold to any person by the directors for such price as can be obtained for the same.

SECTION 5. At any time after the expiration of ten years from the date of the letters patent, upon the enactment of an ordinance by the district of Richmond for that purpose, the board of commissioners of said district are hereby authorized to become the owners of the works of the Richmond Gas Company by purchase thereof, upon paying to the said company the actual cost of the works with their appendages. When the works of said company may be owned by the District of Richmond.

SECTION 6. If the said company shall not carry into operation the objects of their charter within the term of two years from the passage of this act, then this charter shall become null and void. Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 135.

AN ACT

To incorporate the Springville and Tunkhannock Creek Turnpike and Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. David Waklee, Amos Williams, Albert Beardsley, Ira Scott, Thomas Nicholson, Dr. I. B. Lathrop, L. S. Grover, Spencer Hickey, Ocran B. Hickey, Leonard Searle, and Roger S. Searle, of the county of Susquehanna, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Springville and Tunkhannock Creek Turnpike and Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, commencing at the village of Springville, in the county of Susquehanna, and thence by the nearest and best route to the Leggett's Gap railroad, intersecting the said railroad at or near the Martin creek depot of the same, at the mouth of the Martin creek, in the county of Wyoming; the route of the road to be agreed upon and adopted by the stockholders, or a majority of them, at a meeting called for that purpose, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two hundred and thirty shares, at twenty-five dollars each. And whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided in the above referred to act and its supplements in the case of the original subscriptions: *Provided*, That said company may locate said road so that the same shall in no place rise or fall more than four degrees from a horizontal line: *Provided further*, That the Montrose and Harford Plank Road Company may locate their road so that the same shall in no place rise or fall more than four degrees from a horizontal line, also.

Capital stock.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 136.

A N A C T

For the relief of John Miller, of Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Canal Commissioners be, and they are hereby authorized and required to examine the claim of John Miller against the Commonwealth, for damages alleged to have been sustained by the destruction of a large amount of personal and real property on the Allegheny Portage railroad, between the foot of number ten and Hollidaysburg, by fire produced by a spark or sparks from a locomotive belonging to the State, and report the same, if any, together with the facts, to the Legislature.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 137.

A N A C T

For the relief of John Webster, of Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Canal Commissioners be, and they are hereby required to examine the claim of John Webster, of Chester county, for damages caused by burning his barn on the Philadelphia and Columbia railroad, and report the facts and amount of damages, if any, to the Legislature.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 138.

AN ACT

To provide for the erection of out-buildings, and for the completion and furnishing of the Pennsylvania State Lunatic Hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there is hereby appropriated for the purpose of erecting out-buildings, furnishing and the completion of the Pennsylvania State Lunatic Hospital, the sum of thirty-seven thousand one hundred and ten dollars, to be paid by the State Treasurer on warrants drawn by the Governor in favor of the commissioners named in the act to establish said hospital and its supplements.

SECTION 2. That there is hereby appropriated for the payment of salaries of officers and supplies of said hospital, the sum of thirteen thousand dollars, to be paid by the State Treasurer on warrants drawn by the Governor in favor of the trustees of said hospital: *Provided,* That no greater sum than ten thousand dollars shall be drawn from the treasury at any one time, or until the said commissioners and trustees shall have accounted at the treasury department for the amount drawn.

SECTION 3. That hereafter, the necessary expenses of the trustees of said hospital shall be paid by the State Treasurer out of any money not otherwise appropriated.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 139.

A SUPPLEMENT

To an act to incorporate the president and managers of the Spruce Creek and Phillipsburg Turnpike Road Company, approved the twenty-fourth day of March, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the stockholders of the Spruce Creek and Philipsburg Turnpike Road Election of officers. Company shall meet on the first Monday of December in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers for the ensuing year, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws.

SECTION 2. That it shall and may be lawful for said company to increase the grade of said road to an angle not exceeding in any one place five degrees from a horizontal line; and they are also authorized to reduce the width of said road in passing through deep cuts to a width not less than twenty-three feet.

SECTION 3. That it shall and may be lawful for said company to charge and collect toll of and from all and every person using the said road, for every five miles in length of the said road, at the toll and rates hereinafter mentioned. For every cart or wagon whose wheels shall be less than four inches in breadth, six cents upon every horse or mule drawing the same; for every cart or wagon whose wheels shall be four inches, and shall not exceed seven inches, four cents upon every horse or mule drawing the same, and three cents upon every horse or mule passing over the said road, in whatever manner not otherwise provided for.

SECTION 4. That so much of any act or acts of Assembly as is hereby altered or supplied, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 140.

AN ACT

Relative to the estate of Samuel Walker, deceased.

WHEREAS, Samuel Walker, late of the city of Philadelphia, by his last will and testament, dated the first day of March, Anno Domini, one thousand eight hundred and twenty, and duly proved and registered in the office of the Register of Wills for the city and county of Philadelphia, on the twenty-eighth day of November, Anno Domini, one thousand eight hundred and twenty-four, duly authorized Thomas Betts and Joshua Canby, the trustees therein named, to let and demise certain real estate, which at the time of the making of the said will was improved and productive, and to pay over to Ann D. Harper the rents and profits thereof, which real estate is mentioned in said

will as situate on the east side of Delaware Second street, between Vine and Callowhill streets, in the Northern Liberties of the city of Philadelphia, and also on the south side of Mulberry street, between Schuylkill Front and Second streets, in the city of Philadelphia.

And whereas, By reason of the destruction by fire of the buildings erected on the said property so situate on said Delaware Second street, and the dilapidation of the buildings, all being of wooden frame, on the property so situate on the said Mulberry street, both properties have been rendered and still are unproductive; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said Thomas Betts, surviving trustee so named in the said will, be hereby authorized to grant, bargain, sell, or dispose of, in fee simple, upon an annual ground rent or ground rents therefrom to be reserved, all or any part of the said real estate so situate as aforesaid, for the purpose of making the same productive; such ground rent or rents to be reserved payable to the said trustee for the purposes, uses, and trusts so set forth in the said will, to be extinguished at the option of the grantee or grantees at any time after the decease of the said Ann D. Harper, on payment of the principal or extinguishment moneys thereof; such sale or sales upon ground rent to be either public or private, as may be most advantageous for the parties interested, and without any liability on the part of the grantee or grantees of the said ground so subject to the payment of the said ground rent or ground rents, to see to the application of the same, or the amount or amounts paid by him or them to the said trustee in the extinguishment and discharge of the said ground rent or rents: *Provided*, That before any such sale or sales shall be made, the said trustee or trustees shall give security to the satisfaction of the Orphan's Court of the city and county of Philadelphia, in a sum double the amount of the value of property to be sold, or money to be received, conditioned for the proper and faithful application and investment of the money so to be received: *And provided also*, That said court shall approve and confirm said sale or sales.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 141.

AN ACT

To incorporate the Mercer and Shenango Plank Road Company in Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Maxwell, William Stewart, Abraham Pew, John S. King, Commissioners. Henry Forker, Wilson Law, B. Henderson, Andrew Patterson, Vance Stewart, E. W. Carter, William M'Elhanev, Jacob Zahnizer, W. A. V. M'Gaw, P. Shepler, T. C. Stewart, and James Sloss, be, and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name, style, and title, of "The Mercer and Shenango Plank Road Company," with power to construct a plank road from the borough of Mercer, in Mercer county, Style. to the Erie extension of the Pennsylvania canal, at a point at or near the bridge at the big bend of the Shenango, by the nearest and best Location. route, subject to all the provisions and restrictions of "an act regulating Subject to provision of certain act. turnpike and plank road companies," passed the twenty-sixth of January, one thousand eight hundred and forty-nine, and the supplements thereto, except that the proceedings directed in the twelfth section of said act regulating turnpike and plank road companies may be had whenever the company now incorporated shall have finished any one mile of their said road; and when the license therein mentioned shall have been obtained, the company shall be authorized to collect tolls in the manner and at the rates per mile fixed in the thirteenth section of said act.

SECTION 2. That the capital stock of said company shall consist of six hundred shares, of twenty-five dollars per share: *Provided,* That Capital stock. said company may, from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within five years after the granting of this charter, Commencement: and complete the same within ten years thereafter, this act shall be of road. null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 142.

A FURTHER SUPPLEMENT

To an act entitled "An Act to incorporate the Hazleton Coal Company," passed eighteenth March, Anno Domini, one thousand eight hundred and thirty-six.

Hazleton Coal
Company au-
thorized to dis-
pose of real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Hazleton Coal Company to take, hold, and dispose of such real estate within the city and county of Philadelphia as may be needful to furnish them with safe and proper offices for preserving their books and papers, and transacting their business, and also such as may have been or shall hereafter be by them bona fide received as security, or in satisfaction for debts due to them.

Increase of
capital stock.

SECTION 2. That as soon as the Hazleton Coal Company shall have completed the extension of their road which they are now engaged in constructing from the mouth of Hazle creek to Penn Haven, with one track, laid with a substantial iron rail, they are hereby authorized to increase their capital stock by two thousand shares, of fifty dollars each.

Further provi-
sions.

SECTION 3. That if the said extension shall be so constructed as to avoid a steep gradient between the mouth of Hazle creek and the Beaver Meadow railroad at Weatherly, and the same shall be completed within one year, then, and in that case, the time fixed by the act of the fifth April, one thousand eight hundred and forty-nine, "for improving the remainder of the Hazleton Railroad, with a double track," shall be prolonged four years: *Provided however,* That such portion of the Hazleton railroad as connects it with the Beaver Meadow railroad, embracing the steep gradient aforesaid, shall be kept in repair with at least one track of substantial flat bar.

Tax.

SECTION 4. The said company shall be required to pay to the State treasurer for the use of the Commonwealth, one per centum on the capital stock hereby increased, to be paid in four instalments, the first thereof on the first Monday of July, one thousand eight hundred and fifty-one, and the remaining instalments at intervals of twelve months each.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 143.

A N A C T

Relative to election districts in certain counties, and relative to tavern licenses in the counties of Juniata and Sullivan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Liberty, in the county of Mercer, is hereby erected into a separate election and school district, and the qualified electors thereof shall hold their township and general elections at the public school house at the ten mile post on the Butler and Mercer turnpike road, known as the Breckenridge school house; and William W. Smith is hereby appointed judge, and Robert McWilliams and William Dale inspectors, to hold the first spring elections; and said first spring election shall be held after three days' notice, which notice shall be given by the judge herein named.

Liberty town-
ship, Mercer
county.

SECTION 2. That the township of Jackson, in the county of Mercer, is hereby erected into a separate election and school district, and the qualified electors thereof shall hold their township and general elections at the house of William Clark, in said township; and John Hamilton is hereby appointed judge, and William Service and Samuel Pew inspectors, to hold the first township election; and said first spring elections shall be held after three days' notice, which notice shall be given by the judge herein named.

Jackson town-
ship, Mercer
county.

SECTION 3. That the qualified voters of the township of Eldred, in the county of Schuylkill, shall on the second Monday of May next, between the hours of nine and ten o'clock, A. M., and six o'clock, P. M., determine by ballot whether the township and general elections in said township shall hereafter be held at the public house of John Wetzel, or at the public house of Peter W. Kutz; said election to be held at the public house of John Wetzel, and shall be conducted by the officers appointed at the last spring election in said township, who are hereby required to give six days' notice to the citizens of said township of the time and place of holding said election, and the object for which it is to be held, by at least fifteen written or printed advertisements, to be set up in the most public place in said township.

Eldred town-
ship, Schuylkill
county.

SECTION 4. That each person entitled to vote as aforesaid, shall vote a ticket with the words written or printed on the outside "Election Place," and on the inside "John Wetzel," or "Peter W. Kutz."

Mode of voting.

SECTION 5. That the officers of the election shall make return of the votes polled for "John Wetzel," and for Peter W. Kutz," to the next Court of Quarter Sessions of said county, which return shall be filed among the records of said court, and the majority of the votes polled for either John Wetzel and Peter W. Kutz, shall determine the place where the township and general elections for said township shall thereafter be held.

Returns of elec-
tion.

SECTION 6. That the qualified voters of Rowlette township, Potter county, shall hereafter hold their general and township elections in the new school house near George Wagner's, in said township.

Rowlette town-
ship, Potter
county.

Repeal of the fifth section of certain act.

SECTION 7. That the fifth section of the act entitled "An Act annexing the county of Schuylkill to the eastern district of the Supreme Court, and for other purposes," passed August second, eighteen hundred and forty-two, be, and the same is hereby repealed, so far as relates to the county of Juniata.

Provisions of certain act extended to Sullivan county.

SECTION 8. That the provisions of the act entitled "An Act supplementary to the various acts relating to tavern licenses," approved the twenty-ninth day of March, eighteen hundred and forty-one, be, and the same are hereby extended to the county of Sullivan; and that so much of any act as is hereby altered or supplied, be, and the same is hereby repealed, so far as relates to the said county of Sullivan.

Polk township, Jefferson county.

SECTION 9. That the township of Polk, as constituted and set off by the court of Jefferson county on the eleventh day of February, eighteen hundred and fifty-one, be, and the same is hereby declared to be an election and school district; and the qualified voters of said township shall annually hereafter hold their general and township elections at the house of Frederick Heterick, in said township. The first spring election shall be held by Frederick Heterick as judge, and John Smith and Thomas Reade as inspectors, on the last Monday of April next.

Ransom township, Luzerne county.

SECTION 10. That after the passage of this act the qualified electors of the township of Ransom, in the county of Luzerne, shall hold their general and township election at the house of Samuel Vosburg, in said township.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 144.

A SUPPLEMENT

To an act entitled "An Act extending the improvements in the borough of Pottstown, in the county of Montgomery, and for other purposes," approved the fifth day of April, Anno Domini, one thousand eight hundred and forty-eight, and extending the limits of the borough of Montrose, Susquehanna county.

Pottstown borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That any person who shall sustain damage by reason of the opening, widening, or extension of any street, lane, or alley, within the borough of Pottstown, by virtue of the authority granted by the act to which this is a supplement, shall be entitled to have said damage assessed imme-*

diately after the final confirmation by the Court of Quarter Sessions of Montgomery county of the report of the commissioners laying out, widening, or extending such street, lane, or alley; and no such street, lane, or alley, shall hereafter be further opened over the land of any person within said borough, until said damage shall have been fully assessed by a jury, and their report finally confirmed by said court: *Provided*, That application for viewers to assess such damage shall be made within one year from the passage of this supplement: *And provided further*, That said court shall be, and are hereby authorized to appoint viewers to assess the damage arising in any case under the act to which this is a supplement, upon the petition of a majority of the members of the town council of said borough, and in each and every case in which said damage shall be assessed by viewers so appointed, the proceedings shall be as valid and conclusive as if said viewers had been appointed upon the petition of the person sustaining the damage.

Court of Quarter Sessions of Montgomery county authorized to issue an order, &c.

SECTION 2. It shall be the duty of the Court of Quarter Sessions of Montgomery county, upon the application of a majority of the town council of the borough of Pottstown, to issue an order directed to the street commissioners of said borough for the opening of any one or more of the streets, lanes, or alleys laid out, widened, or extended as aforesaid, and approved of by said court, whenever the provisions of this act relative to the assessment of damages which shall be sustained by the owners of land over which such street, lane, or alley has been laid out, widened or extended shall have been fully complied with.

Montrose borough, limits extended.

SECTION 3. That the limits of the borough of Montrose, in the county of Susquehanna, be, and the same is hereby extended as follows, to wit: on the southerly side fifty-four perches, on the easterly side thirty perches, and on the westerly side twenty perches.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 145.

AN ACT

Relative to the estate of George W. Farquhar, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Francis W. Hughes, trustee of the estate of George W. Farquhar, deceased, appointed by the Orphans' Court of Schuylkill county, in pursuance of the provisions of the tenth section of the act of Assembly, passed the twenty-first day of April, A. D., eighteen hundred and Francis W. Hughes, trustee, authorized to pay over certain moneys to Amelia Farquhar.

forty-six, entitled "An Act relative to certain real estate," be, and he is hereby authorized and required to pay over to Amelia Farquhar, the executrix of said deceased, so much of the proceeds of real estate sold under the provisions of said section of said act, as shall be necessary after the personal estate of said deceased applicable to the payment of debts shall have been exhausted for that purpose, to pay the debts of said deceased, and the expenses of the executrix of settling up the estate, that may be allowed by the Orphans' Court of Schuylkill county, upon the confirmation of her final account as executrix as aforesaid, and that said trustee shall have credit for all moneys paid over to the executrix as aforesaid in like manner as if invested in pursuance of said tenth section of said act of Assembly.

Construction of
the proviso of
the tenth section
of certain act-

SECTION 2. That the proviso in said tenth section of said act of Assembly shall not be construed to require separate security to be given for each parcel of real estate sold by said executrix in pursuance of the authority given in said tenth section, but that the trustee shall give security, to be approved by said Orphans' Court, which shall cover and stand good for all the sales of real estate made by said executrix, in pursuance of the authority as aforesaid: *Provided however*, That said court may require other or additional security whenever in their discretion the interests of said estate shall require it.

Confirmation of
sales.

SECTION 3. That upon the investment of the proceeds by the trustee of said estate of the real estate hitherto sold by said executrix, under the provisions of said tenth section of said act of Assembly, or on paying the same to the executrix as provided in the first section of this act, all such sales shall be confirmed and held firm and stable forever, notwithstanding any defect or want of security as required by said act of Assembly or irregularity in the compliance with the provisions thereof.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 146.

A N A C T

For the relief of Elizabeth Jones.

WHEREAS, Benjamin D. Jones, of Cumberland county, was killed by the falling of a public bridge constructed over the Pennsylvania canal at the borough of Northumberland, in the county of Northumberland, while passing over said bridge in a public conveyance, in conse-

quence of said bridge being in dilapidated and unsafe condition ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby authorized and required to pay to Elizabeth Jones a gratuity of five hundred dollars : Provided, That said sum shall be paid to the said Elizabeth Jones or her heirs in annual instalments of one hundred dollars, the first instalment to be payable immediately after the passage of this act.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 147.

AN ACT

To incorporate the Garrettsford Plank Road Company, and relative to the Carlisle and Hanover Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Garrett, George Smith, Edward Garrett, Charles Kelly, Moses Hey, Isaac Garret, J. Howard, Lewis Ethelbert Lobb, Charles Garrett, Christopher Fallon, Joseph Allen, Robert Smith, Joseph Hibberd, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style, and title, of "The Garrettsford Plank Road Company," with power to construct a plank road, commencing at a point on the road known as the Garrett road, in the township of Upper Darby, in Delaware county, at the corner of a road near Allen's shops leading to the factory of Charles Kelly, thence along said Garrett road to where it crosses the Darby and Radnor road, thence along said Darby and Radnor road to where it crosses the Delaware county turnpike road, and with power also to construct and continue said plank road along said Garrett road from the point where it crosses said Darby and Radnor road to its junction with the West Chester and Philadelphia Plank Road, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two hundred shares of fifty dollars each.

Capital stock.

Commencement
and completion
of road.

SECTION 3. That if said company shall not commence the construction of said road within two years, and complete the same from the point where it commences near Allen's shops, to one or other of its termini at the Delaware county turnpike road, or at the West Chester and Philadelphia turnpike road, this act shall be null and void except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Carlisle and
Hanover turn-
pike road.

SECTION 4. That the second section of an act entitled "An Act declaring obstructions to private roads to be a public nuisance, and for other purposes," approved the sixteenth day of March, one thousand eight hundred and forty-seven, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 148.

A N A C T

Authorizing Eve Martin, executrix of John Martin, deceased, and John Bassler, administrator de bonis non of Christian Ley, deceased, to sell and convey certain real estate.

Preamble.

WHEREAS, John Martin, late of the borough of Lebanon, in the county of Lebanon, and State of Pennsylvania, being seised in his demesne as of fee of and in a certain messuage, tenements, and lot of ground situate on the south side of Cumberland street, in the borough of Lebanon aforesaid, bounded on the west by lot of Joseph Reinhart, on the south by an alley, and on the east by lot of Frederick Searfoss, did on the twentieth day of March, Anno Domini, one thousand eight hundred and twenty-three, make his last will and testament, proven on the twenty-ninth day of August of the same year, and registered at Lebanon, in the county aforesaid, wherein and whereby he devised unto his wife Eve, the use, possession, and benefit of the aforesaid premises, with the appurtenances thereunto belonging, during all the term of her life: *Provided*, She so long remained his widow, and applied and appropriated the same for the support of herself, and the support, maintenance, and education of his children.

And whereas, The said testator, in and by his last will and testament, further directed that after the death or marriage of his wife (which ever should first happen), the aforesaid premises with the appurtenances should be sold, and the money arising from such sale should be equally divided between his children.

And whereas, The buildings on the aforesaid premises are out of repair and dilapidated, so that the said property has become unprofitable, and it is the wish of the aforesaid widow and children of the said testator that the same, or so much thereof as could be advantageously disposed of, should be sold.

And whereas, The said testator, in and by his last will and testament, gave no power or authority to sell or convey the aforesaid premises, or any part thereof, during the widowhood or lifetime of his said wife; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Eve Martin, the executrix named in the said last will and testament of John Martin, deceased, is hereby authorized and empowered to sell, either at public or private sale, the aforesaid real estate or lot of ground, with the appurtenances, or any part or parts thereof as she may deem expedient or advantageous to the estate of the said John Martin, deceased; and on payment of the purchase money, to make and execute to the purchaser or purchasers thereof a good and sufficient deed or deeds of conveyance and assurance in the law for the same, or any part thereof; which conveyance and assurance shall vest in such purchaser or purchasers all the estate, right, title, and interest, in law and equity, which the said John Martin at, and immediately before his death, had and held in the same, as fully and completely, and with like effect, as if said conveyance and assurance had been made and executed by the said John Martin in his lifetime, without any obligation on the part of the purchaser or purchasers to see the application of the purchase money, or be in any way responsible for the non-application or misapplication of the same; the premises or part sold or conveyed to be freed and discharged of and from all and every trust whatsoever: *Provided however,* That before the execution of such deed or deeds, the said executrix enter into bond or bonds conditioned that the moneys arising from such sale or sales be appropriated by the said executrix during her widowhood or lifetime, and be distributed after her marriage or death, agreeably to the intentions and meaning of the said John Martin, deceased, as expressed and contained in his last will and testament, with respect to the proceeds of the sale of said lot of ground with the appurtenances; which said bond or bonds being approved of by the Orphans' Court of Lebanon county aforesaid, shall be filed in said court for the benefit and security of all parties interested—said bond or bounds to be taken in the name of the Commonwealth of Pennsylvania: *And provided also,* That such sale or sales shall first be approved by said court.

SECTION 2. That John Bassler, administrator de bonis non of Christian Ley, late of Lebanon county, deceased, is hereby authorized and empowered to sell at public sale the real estate of the said Christian Ley, deceased, situated in the counties of Schuylkill, Dauphin, Clearfield, and Northumberland, remaining unsold: *Provided,* That the said John Bassler, administrator as aforesaid, shall report said sale or sales to the Orphans' Court of the counties in which the land so sold shall be situate, and shall give security for the faithful application of the proceeds of such sale or sales; which report of sale or sales, and the security given as aforesaid, shall be approved by the said Orphans' Court before any deed or deeds of conveyance shall be executed for the same; and such conveyance or conveyances made as aforesaid, shall vest in the purchaser or purchasers the same estate in such real estate as the said Christian Ley, deceased, had and held in the same in

Executrix of John Martin, deceased, authorized to sell certain real estate.

Administrator of Christian Ley, deceased, authorized to sell certain real estate.

his lifetime, discharged from all judgments and mortgages which may be liens upon said real estate at the time of said sale or sales.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 149.

A SUPPLEMENT

To the act incorporating the Danborough and Plumsteadville Turnpike Road Company, and relative to a State road in Indiana county.

Penalty for passing through gates without paying, &c.,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any person or persons travelling on the Danborough and Plumsteadville turnpike road, and passing through or by any gate without paying or offering to pay the toll authorized to be charged for travelling on said road, or using any fraudulent means or device whatever to deceive or avoid the payment of the said toll so authorized to be charged and collected, may and shall be proceeded against agreeably to, and in conformity with, the provisions contained in the fourteenth section of an act incorporating "The Doylestown and Danborough Turnpike Road Company," passed and approved on the twenty-first day of March, one thousand eight hundred and forty-two, and with the like penalty contained in said section for avoiding tolls as aforesaid: *Provided*, That if any person or persons shall remove, injure, deface, or otherwise interfere with improvements made and erected on said road, or the surveyed limits thereof, or place upon any part of said road, or the limits thereof, any dirt, shavings, ashes, and rubbish of any kind of material or offensive matter, or remove from said road, or the bounds thereof, any mould, dirt, gravel, sand stones, or any other material, without first having obtained the consent of the managers to remove the same therefrom, shall upon being convicted thereof by one or more creditable witnesses before a justice of the peace, be adjudged to pay a fine not exceeding five dollars, together with the damage and injury caused by the said act complained of, together with the costs of suit, all to be recovered as debts of a like amount are by law recoverable, and the said fine and damage to be paid to the treasurer of the said turnpike road company.

Commissioners.

SECTION 2. That Edmund Paige, Samuel Katon, Robert Armstrong, and Martin Walker, of Indiana county, and William Coulter, Samuel Sloan, and Alexander Foster, Jr., of Armstrong county, be, and they are hereby appointed commissioners to review all that part of the State

Duties.

road laid out from Blairsville, in Indiana county, by way of Shalocta and Elderton to Clarion, in Clarion county, which lies between Shalocta, in Indiana county, and Rural village, in Armstrong county, with power to alter the location of the same whenever it may in their opinion be necessary. The commissioners named in this section shall have the same power and privileges, and be under the same restrictions, and perform similar services and receive the same per diem allowance, that is granted to and required of, and paid in the same manner that the commissioners appointed in the act of the twenty-eighth day of May, A. D., one thousand eight hundred and forty, authorizing the laying out of the said Blairsville and Clarion State road were.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 150.

A SUPPLEMENT

To an act for the establishment of a House of Refuge in Western Pennsylvania, passed April twenty-second, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several counties embraced within the limits of the western judicial district of the Supreme Court of Pennsylvania be, and they are hereby authorized to subscribe the county of Allegheny not exceeding twenty thousand dollars, and the several other of said counties not exceeding ten thousand dollars, to the erection of a House of Refuge for Western Pennsylvania, under the provisions of the act to which this is a supplement, and to negotiate loans for the payment of such subscription, and issue bonds therefor in amounts of not less than one hundred dollars, and bearing an interest of not more than six per cent. per annum, which shall be exempt from every species of taxation: *Provided,* That if it shall be necessary to dispose of any bonds issued as aforesaid below their par value, the same shall not be deemed usurious, but such loans shall be taken to be lawful and valid.

SECTION 2. That each of said counties subscribing to said House of Refuge, shall be entitled to appoint, by their county commissioners, one manager for every twenty-five hundred dollars subscribed; which managers so appointed shall be in addition to the managers authorized to be elected under the provisions of the act incorporating said association.

Roads.

SECTION 3. That no person or persons, corporation or body politic, shall be permitted to open, lay out, or construct any road or highway, either public or private, under any pretence whatever, upon or through any grounds owned and occupied by said House of Refuge, without the consent of the managers thereof.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 151.

A N A C T

Providing for the erection of lock-up houses at Connellsville, in the county of Fayette, and at New Brighton, in the county of Beaver.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Connellsville, in Fayette county be, and they are authorized and empowered to have built or otherwise provided and supported, in or near said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by any justice of the peace, burgess, or constable of said borough, for any violations of the laws of this Commonwealth or of the ordinances of the borough aforesaid, for which such person or persons could lawfully be committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for any indictable offence, or until discharged according to law: *Provided,* That no person or persons shall be confined in said lock-up house at any one time for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, or until discharged by law or removed to the common jail of the aforesaid county by the proper officer.

Lock-up house
authorized to be
built in Con-
nellsville.

Expenses, by
whom to be paid.

SECTION 2. That the expense of arresting, binding over, or committing and keeping any such person or persons in said lock-up house, or conveying him, her, or them, on any indictable offence, to the common jail of Fayette county, shall be paid by the commissioners of said county on the presentation of proper accounts of the same to the said commissioners.

Constable to
keep said lock-
up house.

SECTION 3. That the constable of the aforesaid borough shall keep said lock-up house, and furnish any person or persons confined there

with two meals of victuals in each twenty-four hours, in accordance with the directions of the officer committing such person or persons.

SECTION 4. That if any person or persons shall wilfully destroy, or attempt to destroy, the aforesaid lock-up house, he or they shall, upon conviction thereof by the court of Quarter Sessions of the aforesaid county of Fayette, be sent to the Penitentiary for not less than one year nor more than five years, or confined in the jail of said county of Fayette for not less than six months for each offence. Penalty for injuries.

SECTION 5. That the burgess and town council of the borough of New Brighton, in the county of Beaver, be, and they are hereby authorized and empowered to have built, or otherwise provided and supported in said borough, at the expense thereof, a suitable building for the security and detention of any person or persons committed by any justice of the peace of said borough or vicinity, or by the burgess of said borough or member of the council acting in his place, for any violations of the laws of the Commonwealth or of the ordinances of said borough: *Provided*, That no person be confined longer than thirty-six hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him or her for examination. Lock-up house authorized to be erected in New Brighton.

SECTION 6. That the expense of arresting, binding over, or committing and keeping any such person or persons in said lock-up house, or conveying him, her, or them, to the common jail of the county aforesaid, on any indictable offence, shall be paid by the county of Beaver on the presentation of proper accounts of the same to the commissioners of said county. Expenses of arresting, &c., how to be paid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 152.

AN ACT

Relating to a State road in Carbon county, to a school district in Cumberland county, and to the election of supervisors in Slippery Rock and Shenango townships, Lawrence county.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Daniel Saeger, of Lehigh county, and Thomas Craig and James Laury, of Carbon county, be, and they are hereby appointed commissioners to review, and if they deem necessary, vacate and relay so much of the Commissioners. Duties.

State road from Orwigsburg, in Schuylkill county, from thence to the nearest and best route through Stroudsburg, in Northampton now Monroe county, to the town of Milford, at the Delaware river in Pike county, laid out under an act entitled "An Act authorizing the Governor to appoint commissioners to view and lay out a certain road therein mentioned," approved the twenty-fourth of March, one thousand eight hundred and eighteen, as lies within the county of Carbon, commencing on the land of Peter Klotz, in Franklin township, county of Carbon, where the present State road crosses the Poko Poko creek; from thence to the Pine Run forge in Upper Tawamencing township, in said county of Carbon; and from thence to the nearest and best route to a point on the present State road, at or near the line that divides said county of Carbon from Monroe county, and to alter and amend the same if they deem it necessary.

Commissioners
to take oath, &c.

SECTION 2. That the said commissioners after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line between the said points as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at the crossing of ravines and streams, whereby a moderate excavation, filling, or bridging the declination of said road may be preserved within that limit.

Surveyor.

SECTION 3. That said commissioners shall meet on or before the first day of May next, and to proceed to complete the view of said road; and they are hereby authorized to employ one surveyor at a per diem not exceeding two dollars per day, and two chain bearers and one axeman, who shall receive one dollar; and said commissioners shall receive one dollar and fifty cents each for every day necessarily spent in the discharge of the duties enjoined by this act; and the amount required to pay the expenses as thus provided, shall be paid by a warrant drawn on the commissioners of Carbon county.

Draft.

SECTION 4. That it shall be the duties of said commissioners to make a fair and accurate draft of the location of said road, noting courses and distances, improvements, roads, township lines, and waters, one copy of which shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of October next, after the survey is completed, and one copy in the office of the clerk of the court of the county of Carbon; and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired by order of the Courts of Quarter Sessions of said county.

Damages.

SECTION 5. That it shall be the duty of the commissioners to endeavor to procure from all persons through whose land said road is located, releases from all claims and damages which might arise from opening the said road; and in all cases where a release cannot be obtained, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, which with the releases shall be returned to the Court of Quarter Sessions of the county of Carbon.

Regulation of
part of Monroe
township as a
school district.

SECTION 6. That it may be lawful hereafter for the inhabitants of Monroe township, in the county of Cumberland, residing south of the State road leading from Carlisle to Harrisburg, commonly called the Trindle Spring road, and within one-half mile of said road, to send their children to the common school of the adjoining school district, at the Trindle Spring Church, in the township of Silver Spring, in said county; and the directors of said school district, in the said township of Monroe, are hereby authorized and required to pay over the taxes

assessed for school purposes within the said bounds of one-half mile south of the said Trindle Spring road; and the said road, in the said township of Monroe, to the directors of the said adjoining school district, in the said township of Silver Spring, in the said county of Cumberland.

SECTION 7. That the qualified voters of Slippery Rock and Shenango townships, Lawrence county, shall elect three supervisors in each of said townships. Slippery Rock and Shenango townships, Lawrence county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 153.

AN ACT

To incorporate the Tarentum and Saxonsburg Plank Road Company, and to repeal and authorize the laying out of a State road through Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John M. Porter, Lewis Peterson, Francis Karns, Nathaniel Miller, Robert McAyeal, Robert Guilford, and David M'Call, of the county of Allegheny, and John Anderson, William Walker, Daniel Lardin, Emil Maurhoff, and John M. Krumpe, of the county of Butler, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Tarentum and Saxonsburg Plank Road Company," with power to construct a plank road from the borough of Tarentum, in the county of Allegheny, by the nearest and best route to the borough of Saxonsburg, in the county of Butler, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto. Commissioners.
Style.
Location.
Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of one thousand shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of a majority of stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That if said company shall not commence the construction of the road within three years after the passage of this act, and Commencement and completion of road.

complete the same within five years thereafter, the first and second sections of this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Repeal of certain act.

SECTION 4. That the act entitled "An Act authorizing the laying out of a State road from Bakerstown, in Allegheny county, through Butler county, to the Great Western Iron Works, in Armstrong county," approved the fifteenth day of March, one thousand eight hundred and forty-seven, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 154.

AN ACT.

To authorize the laying out of a State road from the Allegheny and Perrysville Plank road to the village of Rochester, in Beaver county, to authorize the sale of a school house and lot in Lawrence county, and to provide for the election of an assessor in New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John M'Gill and Joseph Johnson, of Allegheny county, and Francis Reho, of Beaver county, are hereby appointed commissioners to view and lay out a State road from a point on the Allegheny and Perrysville Plank Road at or near the farm of Robert Hilands, in Allegheny county, to the village of Rochester, in Beaver county, following as nearly as practicable the grade road from Hilands, in Allegheny county, to the mill of Michael Harger, in Beaver county.

Commissioners.

Location.

Duty of commissioners.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and lay out the same as near a straight line between the aforesaid points as the nature of the ground and other circumstances will permit, so that the departure from a horizontal line shall at no point exceed three degrees, except at the crossing of ravines and streams where by a moderate filling or bridging the declination of the said road may be preserved within that limit.

SECTION 3. That it shall be the duty of said commissioners plainly Further duties. and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find and properly construct the same. And for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one engineer at a per diem allowance not exceeding three dollars, two chain-bearers and one axeman, at a per diem of not exceeding one dollar and twenty-five cents; and the said commissioners shall each receive a per diem allowance not exceeding two dollars and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act: *Provided*, That no person acting as commissioner under the provisions of this act shall receive the compensation of engineer in addition to the per diem allowance of commissioner.

SECTION 4. That it shall be the duty of said commissioners to make Drafts. out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads, and waters, with such other matters as may serve for explanation. One copy shall be deposited in the office of the Secretary of the Commonwealth on or before the first Tuesday of January next, and one copy in the office of the clerk of the Court of Quarter Sessions of the respective counties in which the said road may be laid out, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth of forty feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 5. That the accounts of the commissioners for their pay, Accounts. and that of the engineer, chain-bearers, and axe-men, shall be made out and returned to the commissioners of the counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

SECTION 6. That the said commissioners shall meet at such point as Meeting of com- they may appoint, on the first Monday of April next, and complete missioners. the location of said road as soon thereafter as practicable. And if any vacancy or vacancies occur by death, resignation, or otherwise, the Court of Quarter Sessions of the county where such vacancy or vacancies happens, shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty.

SECTION 7. That the school directors of Wilmington township, in School directors the county of Lawrence, may, if they think it proper, sell school house of Wilmington number seven, in the village and sub-district of New Wilmington, with township, Law- the lot and appurtenances thereto attached, and shall be their duty in rence county, case they make such sale, to invest the proceeds thereof in the purchase of a lot more eligibly situated, and the erection thereon of a authorized to building for school purposes; and said directors are hereby empowered sell a certain to make any deed necessary fully to convey said school house number school house. seven, and the lot attached thereto, to the purchaser thereof.

SECTION 8. That the qualified voters of the borough of New Castle, Assessor for Lawrence county, are hereby authorized to elect an assessor for said New Castle, borough, who shall perform the same duties, and be subject to the same Lawrence coun- rules and penalties, as have heretofore governed the assessor of Neshan- ty.nock township, heretofore connected with the said borough; and the

county commissioner shall appoint a suitable person to collect the taxes thus assessed, as in other townships and boroughs of this county.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 155.

AN ACT

Authorizing the administrator of Samuel Lowther, deceased, to deliver a deed executed by said deceased in his lifetime to George W. Boyd, for the undivided one-fourth of a piece of ground in Harrisburg.

WHEREAS, Samuel Lowther, late of the city of Wheeling, in the State of Virginia, in his lifetime, and Sarah Jane his wife, in pursuance of a parol contract entered into with George W. Boyd, of the borough of Harrisburg, executed and acknowledged in due form of law, a deed conveying to the said George W. Boyd, his heirs and assigns, for the consideration therein named, the undivided one-fourth part of a lot of ground situate on Second street, in said borough, being thirty feet front on said street, and extending back the same width, in a southwest direction one hundred and five feet, to a lot of George Fisher; bounded on the east by a lot late the property of John Clapp, deceased, and others; and on the west by a lot late the property of the Pennsylvania Bank, the said George W. Boyd having previously become the purchaser of the undivided three-fourths of the said lot of ground, and being in full possession of the whole thereof, which deed was transmitted by the said Samuel Lowther to his attorney at Harrisburg, to be delivered to the said George W. Boyd, on payment of the consideration named in said deed; but before the payment thereof, or the delivery of the said deed, the said Samuel Lowther died, without having made any provision for perfecting the said contract; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles L. Berghause, administrator of the estate of the said Samuel Lowther, deceased, in Pennsylvania, upon receipt of the consideration named in said deed, with interest thereon from the date thereof, be, and he is hereby authorized to deliver to the said George W. Boyd the said deed, and that the said delivery shall be as effectual in conveying to him, the said George W. Boyd, his heirs and assigns, the estate therein granted and conveyed, as if the same had been delivered by

the said Samuel Lowther, deceased, and the said Sarah Jane his wife, in his lifetime.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 156.

AN ACT

Authorizing David Diehl, executor of John Throne, deceased, to purchase real estate.

WHEREAS, By the last will and testament of John Throne, late of the borough of Hanover, in the county of York, deceased, a certain portion of his estate is bequeathed to his daughter Polly, intermarried with Andrew Eckert of said borough, to be invested in "stocks" or "other security" by David Diehl, executor of said last will and testament, for her sole separate use during her lifetime, and after her death the said principal to be divided among her children share and share alike.

And whereas, It will be much to the advantage of the said Polly Eckert and her children, that her said share as aforesaid should be invested in real estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That David Diehl, executor of the last will and testament of the said John Throne, deceased, be, and is hereby authorized and empowered to purchase with the share of the said Polly Eckert arising from the estate of the said deceased, such real estate as the said Polly and her children who are of age, and the guardian of such as are minors may designate, and convey the same to the said Polly for life, with remainder over in fee to the children of Polly after her death, according to their respective interests, under the will of John Throne, deceased, in full discharge of his liabilities as executor of said John Throne, deceased, so far as the share of the said Polly is concerned.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 157.

AN ACT

To incorporate the Philadelphia and Savannah Steam Navigation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* David S. Brown, William Whitney, Thomas T. Lex, James Murphy, Commissioners. Mahlon Williamson, C. H. Willing, Isaac C. Jones, James N. Dickson, Josiah Baron, and Chas. W. Bender, shall be, and they are hereby appointed commissioners for the purposes hereinafter mentioned; that is to say, they or a majority of them, after giving two weeks' notice in two or more newspapers published in the city of Philadelphia, and such other cities as they may deem advisable, of the time and places by them appointed for that purpose, shall procure, open, and keep open for at least four hours in each day for three successive days, a suitable book or books, and receive subscriptions therein from all persons duly qualified and desirous of taking stock in the company to be incorporated in pursuance of this act, and the form of such subscription shall be as follows, viz: "We whose names are hereunto subscribed, do severally promise to pay to 'The Philadelphia and Savannah Steam Navigation Company' the sum of five hundred dollars, for each and every share of stock set opposite to our respective names, at such times and in such instalments as the managers of the said company may require;" and the said persons at the time of subscribing, or at such other time within sixty days thereafter as the commissioners may determine, shall pay to the said commissioners an instalment of twenty-five dollars on each share of stock by them respectively subscribed; and when one hundred and forty shares or more shall have been subscribed, and twenty-five dollars on each share paid thereon to the commissioners as aforesaid, the said commissioners, or a majority of them, shall certify the same to the Governor, three of whom at least shall verify the statements contained in said certificate by their affidavit before some alderman or justice of the peace; whereupon the Governor shall by letters patent, under the seal of the Commonwealth, create Letters patent. and constitute the subscribers, and those who may thereafter subscribe to the stock of the said company, their successors and assigns, a body corporate and politic, by the name, style, and title, of "The Philadelphia and Savannah Steam Navigation Company," and by the said style. name, style, and title, the said company shall have perpetual succession, and be able and capable in law to sue and be sued, plead and be impleaded, and to receive, possess, employ and dispose of, ships and vessels with their appurtenances, and the steam engines and other machinery necessary and proper for the propulsion and navigation thereof; and to hold and use all necessary and convenient easements for lading and unloading, receiving and delivering merchandize, transported or to be transported in such ships and vessels so to be customarily navigated by steam; and further, to have all such other rights and powers as may be properly incident to a corporation having for its object the navigation Privileges. of the ocean, bays, and rivers by steam power, and the transportation

of goods, wares, and merchandize, and the conveyance of passengers by means of such navigation to and from the city of Philadelphia: *Provided however*, That nothing herein contained shall be construed to confer on the said corporation any banking, trading, or mining privileges, or the right to hold real estate other than wharves and store-houses necessary for the transaction of the business of the company; nor shall it be lawful for said company to carry freight or passengers to or from any port or place on the Delaware river, or bay northward of the break-water: *And provided also*, That it shall not be lawful for the said corporation at any time to contract debts exceeding in amount the one-half of the capital stock actually paid in.

SECTION 2. That the stockholders in said company when incorporated as aforesaid, or as soon thereafter as may be convenient, shall meet at such time and place as may be designated by a majority of the commissioners, of which at least one week's previous notice shall be given in not less than two newspapers in the city of Philadelphia, and elect by ballot five managers to conduct and manage the affairs of the said company until the first Tuesday in February following, and until others are elected in their stead; and on the said first Tuesday in February following, and annually thereafter, of which at least two weeks' previous public notice shall in each case be given as aforesaid, the said stockholders in such manner and at such places as may be determined by the by-laws of said company, shall elect five managers to conduct and manage the affairs of the said company for the year ensuing; but if the said election from any cause shall not take place when by this act it ought to have taken place, the said corporation shall not for that cause be dissolved, but the said election may be held within forty days thereafter, or at such time as a majority of the stockholders may determine upon, previous notice being given of the time and place as aforesaid. Each share of stock shall entitle the holder thereof to one vote at any general meeting or election of said company, but no person shall vote by proxy, except such as are not residents of the city and county of Philadelphia, nor shall any one person be entitled to more than one-sixth of the whole number of votes to which the holders of all the shares in the capital stock of said company would be entitled. A majority of the directors shall form a quorum for the transaction of business, and at their first meeting after an election as aforesaid, they shall elect one of their number to be president and a suitable person to be treasurer of the said company; they shall have power to establish such by-laws and regulations as they may deem necessary and expedient, and may fill vacancies which may occur in their own body or in the office of president; they shall cause to be kept a full and complete record of the proceedings of the stockholders and of their own body in suitable books to be provided for that purpose, and also suitable books of accounts in which shall be entered and fairly stated all the business transactions of the company; they may also appoint such officers or agents as the operations of the company may from time to time require, and fix the amount of salary to be paid to each.

Organization.

Annual elections.

SECTION 3. That the commissioners aforesaid shall pay over to the treasurer of the said company, immediately after he shall have entered upon the duties of his office, or to such other person as the managers may direct, all the money received by them or either of them on account of the shares of stock in said company subscribed as aforesaid, after deducting the amount of expenses incurred in performance of the duties assigned them in this act; and the managers shall call in and collect the amount subscribed by the stockholders, at such times and

Commissioners to pay over certain moneys.

in such instalments as they may deem expedient, and they may from time to time take and receive such additional subscriptions to the capital stock as may be thought advisable in extending the number and lines of the company's packet vessels, payment thereof to be made as aforesaid; but the total amount of capital stock of said company shall not at any time exceed five hundred shares of five hundred dollars each.

Certificates of stock. SECTION 4. That the shares in the capital stock of said company shall be numbered from one upwards in progressive order, and certificates in proper form signed by the president and treasurer shall be issued to the stockholders therefor for the shares by them respectively held, and the number attached to each share included therein, shall be particularly set forth in each certificate; said shares may be transferred by assignment on the books of the company in person or by power of attorney duly authorized, in presence of the president or treasurer; and in every case of transfer, the former certificate shall be given up and cancelled, and a new certificate issued in its stead in favor of the person to whom said shares had been transferred, but no share shall be transferred on which any instalment called for by the managers in pursuance of the authority herein granted remains due and unpaid, except by the consent of the board of managers first had and obtained; nor shall any share entitle the holder thereof to vote at any general meeting or election on which any such instalment shall be due and unpaid for the space of thirty days; and if any such instalment shall remain due and unpaid on any share or shares for the space of six months after the same has been required to be paid, the managers shall have power after giving thirty days' public or private notice in writing or in print, of their intention so to do, to the person or persons in whose name the said share or shares may stand on the books of the company, to declare the said share or shares forfeited to the use of the company, or they may sue for and recover to the use of the company the amount of all such remaining instalments, with interest at the rate of six per cent. per annum from the time the same became due and payable, together with costs of suit.

Dividends. SECTION 5. That dividends of so much of the profits of the said company as shall appear advisable to the managers, shall be declared and paid to the stockholders at least once in every year, and in such manner as may be provided by the by-laws of said company, but shall in no case exceed the amount of nett profits realized in such year; and if the managers shall declare and pay any dividend by which the capital stock shall be impaired, they shall be jointly and severally liable for the amount so paid, which shall be recoverable by any party aggrieved or injured thereby in an action on the case to be brought in any court having jurisdiction in claims or demands of like amount.

Special meetings. SECTION 6. That special meetings of the stockholders shall be called by the president, on the request in writing of members of the company, who are owners of at least one-third of the stock actually paid in, of which meetings at least ten days' notice shall be given by advertisement in one or more newspapers published in the city of Philadelphia.

SECTION 7. That if the said company shall not carry into effect the objects of this charter, by the construction and employment of at least one steam vessel, suitable for ocean navigation between the ports of Philadelphia and Savannah, within two years after the passage of this act, then this act shall be null and void.

SECTION 8. That the Legislature reserves the right to alter, amend,

or annul this charter, whenever in their opinion the same may be necessary for the public good.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 158.

AN ACT

To confer on Daniel Chambers, an illegitimate son of William and Elizabeth Chambers, the rights, privileges, benefits, and advantages of a child born in lawful wedlock, relative to the Tioga Railroad, for the relief of the Coudersport Academy, and authorizing the commissioners of Potter county to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Daniel Chambers, of Clearfield county, an illegitimate son of William and Elizabeth Chambers, shall have and enjoy all the rights, privileges, benefits, and advantages of a legitimate child of the said William Chambers and Elizabeth his wife, born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been the legitimate child of William and Elizabeth Chambers, born in lawful wedlock. Daniel Chambers illegitimate.

SECTION 2. That the directors of the Tioga Railroad Company shall have full power to give to the loans created by said company in pursuance and under the authority of the seventh section of the act "for the relief of the creditors of the Tioga Navigation Company," passed April sixth, one thousand eight hundred and fifty, and to any other loans made by them for the purpose of providing locomotives, cars, depots, or machinery, a preference in the payment of interest not higher than seven per cent. over all other previous loans. Tioga Railroad Company.

SECTION 3. That the commissioners of Potter county are hereby authorized and required to appropriate and pay out of the funds of said county, to the trustees of Coudersport Academy, in trust and for the use of said academy, the sum of three hundred dollars per annum for the term of five years, from the first day of April, one thousand eight hundred and fifty-one. Coudersport Academy.

SECTION 4. That the commissioners of the county of Potter are hereby authorized to borrow money on the credit of said county, such an amount (not exceeding fifteen thousand dollars) as they shall deem Commissioners of Potter county authorized to borrow money.

necessary for the erection of a court house and public offices in lieu of those now occupied for that purpose.

Further powers. SECTION 5. That the commissioners of said county shall have full power and authority to contract for the building of the said court house and other offices at any time, and locate the same in such place upon the public square in the borough of Coudersport as they shall deem proper.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 159.

AN ACT

Authorizing Watson Comly, Josiah Walton, and Charles Warmesley, to sell and convey certain real estate, and relative to the taxation of moneys at interest in the borough of Doylestown and township of Richland, in Bucks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Watson Comly, Josiah Walton, and Charles Warmesley, have full power to sell the lot of land containing sixty-six perches, more or less, and the school house thereon, known as the Walnut Hill school house property, situated in Byberry township, Philadelphia county, at public sale, and make a title therefor; the proceeds of said sale to be distributed among all the original contributors, or their legal representatives *pro rata*, to the purchase of said lot of land, and the erection of the house thereon, who shall make application therefor within one year from the time of said sale, and the sum or sums not so applied for shall be paid over to the directors of the nearest public school, for the use and benefit of the same: *Provided*, That the said committee shall first pay the necessary expenses attending said sale and distribution of the proceeds thereof, out of the moneys arising from said sale.

Watson Comly,
Josiah Walton,
and Charles
Warmesley, au-
thorized to sell
certain real es-
tate.

SECTION 2. That hereafter moneys at interest shall be, and the same are hereby made subject to taxation for borough purposes in and for the borough of Doylestown, in the county of Bucks; and any laws contrary thereto are hereby repealed, so far as relates to the said borough and the township of Richland, in said county.

Moneys at inter-
est in the bor-
ough of Doyle-
stown subject to
taxation for bor-
ough purposes.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

WE do hereby certify that the bill entitled "An Act to authorize Watson Comly, Josiah Walton, and Charles Warmley, to sell and convey certain real estate, and relative to the taxation of moneys at interest in the borough of Doylestown, and Richland township, in Bucks county," was presented to the Governor on the sixth day of March, one thousand eight hundred and fifty-one, and was not returned within ten days (Sundays excepted) after it had been presented to him. Wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

SAMUEL W. PEARSON,
Clerk of the Senate.

Harrisburg, March nineteenth, A. D., one thousand eight hundred and fifty-one.

No. 160.

AN ACT

Relative to the destruction of deer in the counties of Franklin, Cumberland, and Schuylkill, and to the collection of taxes in Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall within a period of five years from the first day of August next ensuing the passage of this act, hunt, chase, or follow with the design to kill, or shall kill or destroy any buck, doe, or fawn within the limits of the counties of Franklin and Cumberland, and shall be lawfully convicted thereof by the oath or oaths of one or more creditable witnesses, or the confession of the party before any justice of the peace in and for the said counties, he or they shall forfeit and pay the sum of twenty-five dollars for every such offence, one moiety of which shall be paid to the treasurer of the school fund for common school purposes of the township wherein such conviction shall be had, and the other moiety to the person or persons who shall prosecute and sue for the same; and the collector of school tax in the township in which any person or persons so offending shall be convicted, shall proceed in the same manner, and shall have the like power and authority, to collect such fines, as the collectors of county rates and levies have under the laws now existing, or that may hereafter be enacted, relative to the collecting of county rates and levies within this Commonwealth: *Provided however,* That no person shall be prosecuted or convicted for any offence against this act, unless such prosecution shall be commenced within six months after the offence shall be committed.

Penalty for destroying deer in the counties of Franklin and Cumberland.

SECTION 2. That so much of any act or acts relative to the hunting **Repeal.**

of deer as is inconsistent with this act, be, and the same is hereby repealed, so far as they relate to the counties of Franklin and Cumberland.

Relative to deer
in Schuylkill
county.

SECTION 3. That hereafter it shall be lawful for any person or persons to hunt, chase, or follow, with a design to kill or destroy, any buck, doe, or fawn within the county of Schuylkill, between the first day of the months of September and January in each year; and that so much of the supplementary act of the twenty-ninth day of April, one thousand eight hundred and forty-four, as is inconsistent with this section, be, and the same is hereby repealed, so far as it applies to the county of Schuylkill.

Repeal of cer-
tain act relative
to taxes in
Franklin coun-
ty.

SECTION 4. That the second and third sections of the act entitled "An Act to provide for the more effectual and economical mode of collecting State and county taxes in the counties of Chester, Franklin, and Adams, for increasing and regulating the tax on dividends of banks and savings institutions, and for requiring supervisors and school tax collectors in Lebanon county to give bonds," approved the fifteenth day of March, one thousand eight hundred and forty-nine, and the sixth section of the act entitled "An Act relative to the escheated estate of Frederick Foster, deceased, to a school district in Adams county, to the Union Canal Company, to the sale of spirituous liquors in Warren county, to a clerical error in the act to incorporate the borough of Marietta, and to the collection of taxes in Franklin county," approved the twenty-fifth day of March, one thousand eight hundred and fifty, be, and the same are hereby repealed, so far as they relate to the county of Franklin.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 161.

AN ACT

To perfect the title to Samuel Williamson of certain real estate, and relative to the Western Pennsylvania Coal Company.

Title to Samuel
Williamson of
certain real es-
tate perfected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the conveyance made by David Harl, George W. Porter, and James M. Wilson, commissioners of the county of Jefferson, dated the tenth day of May, Anno Domini, one thousand eight hundred and forty-eight, of lot number three thousand one hundred and thirty-three, situated in*

Tionesta township, in Jefferson county, to Samuel Williamson and his heirs, be, and the same is hereby made good and valid in law for the conveyance of any and all the interest of said county in and to said lot to the said Williamson, his heirs and assigns.

SECTION 2. That the time fixed for commencing operations by the thirteenth section of the act entitled "An Act to incorporate the Western Pennsylvania Coal Company," passed the fourth day of June, one thousand eight hundred and thirty-nine, be, and the same is hereby extended to three years from and after the passage of this act, and that the names of Orlo J. Hamlin, Nathaniel B. Eldred, and Timothy Ives, be added to the list of corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 162.

AN ACT

To incorporate the Carbon Run Improvement Company.

WHEREAS, William Mellers, Joseph Mellers, Joseph Higgs, Peter Sloan, Joseph Adams, and Hector Orr, hold certain land in the county of Northumberland, under certain deeds of trust and articles of association, and for the better management and improvement thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That William Mellers, Joseph Mellers, Joseph Higgs, Peter Sloan, Joseph Adams, and Hector Orr, and the other equitable owners of said land, their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style, and title, of "Carbon Run Improvement Company," and as such shall have power to take and hold land and real estate in fee simple, in the county of Northumberland; and the purpose and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land; and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to the said company; and the said company by the said name is hereby declared and made capable in law to sue and

be sued, implead and be impleaded, to have a common seal, to sell and dispose of the products of their land, and to hold and convey such real and personal property as may be necessary to promote the objects of this incorporation, and to do all things necessary to promote the objects and designs of the same, according to the true intent and meaning thereof; and the said company shall have all the rights, powers, and privileges, and be subject to all the restrictions, provisos, and liabilities conferred and imposed upon the Swatara Company by the second, third and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provided*, That the said company shall elect five directors for the management of the affairs thereof; and fifteen days' notice of the said election shall be given in one newspaper published in the county of Northumberland, and one published in the city of Philadelphia.

Term of this
act.

SECTION 2. That this act shall continue in force for twenty years from the time of its passage.

Reservation.

SECTION 3. That the Legislature hereby reserves the right to alter, amend, or annul the provisions of this act whenever they may deem it expedient so to do: *Provided however*, That no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 163.

A SUPPLEMENT

To the act erecting parts of Bedford county into a separate county, to be called Fulton, approved the nineteenth day of April, Anno Domini, one thousand eight hundred and fifty.

Preamble.

WHEREAS, In and by an act of the General Assembly of this Commonwealth, approved the nineteenth day of April, Anno Domini, one thousand eight hundred and fifty, certain portions of the county of Bedford therein described were erected into a separate county, to be called Fulton.

And whereas, It was provided in said act that the erection of said county of Fulton should be submitted to a vote of the people residing therein, which having been done in the manner prescribed by the act aforesaid, a majority of the votes cast at said election were given in favor of the erection of said separate county.

And whereas, At the date of the election aforesaid, and for some time thereafter, the tax due to the Commonwealth upon said act of

Assembly had not been paid, although the same has since been fully paid and satisfied.

And whereas, Certain sections of said act have received different constructions, and disputes and difficulties have arisen therefrom, and the taxes assessed upon the citizens of said county of Fulton for the year one thousand eight hundred and fifty, are claimed by both the counties of Bedford and Fulton; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county of Fulton, with the boundaries described in the act erecting parts of Bedford county into a separate county, to be called Fulton, approved the nineteenth day of April, one thousand eight hundred and fifty, be, and the same is hereby declared to be a separate county, with all the privileges and subject to all the liabilities and restrictions in said act mentioned, except such as are altered or repealed by this act. Boundaries of Fulton county confirmed.

SECTION 2. That the election held on the second Tuesday of October, one thousand eight hundred and fifty, be, and the same is hereby declared to be valid, and the officers elected at that time shall have and exercise all the rights and perform all the duties pertaining to their respective offices as fully and effectually as if said act had been in full force and virtue when the election in June, one thousand eight hundred and fifty, was held, when the notices of the election in October, one thousand eight hundred and fifty, were given and published, and all the laws of this Commonwealth had been fully complied with in relation thereto. Certain election validated.

SECTION 3. That the acts of the commissioners appointed in the act aforesaid in performing the duties prescribed therein, be, and they are hereby confirmed and made valid and effectual. Acts of commissioners confirmed.

SECTION 4. That the said county of Fulton is hereby attached to and declared to be a part of the Eastern Penitentiary district. Attached to the Eastern Penitentiary.

SECTION 5. That all the laws relative to the poor and overseers of the poor, which were in force in the county of Bedford at and before the passage of an act entitled "An Act to provide for the erection of a house for the employment and support of the poor of the county of Bedford," approved the thirty-first day of March, Anno Domini, one thousand eight hundred and forty-one, be, and the same are hereby re-enacted, and declared to be in full force and effect in the county of Fulton. Oversees of the Poor.

SECTION 6. That the provisions of an act of Assembly entitled "An Act relative to the duties of justices of the peace for the counties of Washington and Montgomery," approved the fifth day of February, Anno Domini, one thousand eight hundred and forty-nine, be, and the same are hereby extended and made applicable to the county of Fulton. Justices of the peace.

SECTION 7. That all unfinished proceedings respecting roads and bridges lying entirely within the county of Fulton, shall be certified by the clerk of the Court of Quarter Sessions where the same may be pending, upon payment of the legal fees by the person applying to the clerk of the Court of Quarter Sessions of the said county of Fulton, who shall proceed therein as if the same had originated in said court; and all proceedings respecting roads and bridges which may lie partly in Bedford and partly in Fulton county, shall be proceeded in to final adjudication as if this act and the act erecting Fulton county had not been passed. Roads and bridges.

SECTION 8. That all judgments and mortgages which were liens in the Court of Common Pleas of Bedford county, on and before the first day of September, Anno Domini, one thousand eight hundred and fifty, Liens.

upon real estate situate in the county of Fulton, may be proceeded upon to final execution, levy, inquisition, and sale, as if the act erecting Fulton county had not been passed; or may be proceeded in as is prescribed in the following section of this act: *Provided*, That judgments hereafter obtained upon writs of scire facias issued by the courts of Bedford county, shall not be liens upon real estate situate in Fulton county, unless transferred to said county of Fulton in the ordinary way prescribed by law.

Prothonotary,
duties of.

SECTION 9. That the Prothonotary of Bedford county shall, on the payment of the legal fees by the person applying, furnish to any person who shall demand the same at any time after the passage of this act, duly certified transcripts of the docket entries of all judgments entered and filed in the Court of Common Pleas of said county; and the prothonotary of the said county of Fulton shall enter the same in the judgment docket of the Court of Common Pleas of said county, and file the transcripts thereof in his office, whenever requested so to do by the plaintiff or party interested; and said judgments being so entered shall have the same force and effect, and may be proceeded in to a final execution, as if the same had been originally entered in said court. But nothing herein contained shall be construed to impair or in anywise to prejudice the lien of any such judgment in the county of Bedford, nor to prevent proceedings thereon to final execution in either of the counties of Bedford or Fulton, in the same manner as if this act and the act erecting Fulton county had not been passed, except in cases mentioned in the proviso to the preceeding section of this act.

Orphans' Court.

SECTION 10. That it shall be lawful for the Orphans' Court of the county of Bedford, in all cases and in all estates where its jurisdiction may have attached, to issue all necessary process, and to make all needful decrees for the complete settlement and distribution of the estate or estates of all decedents lately residing in the territory now composing Fulton county, with the same force and effect as if the said county of Fulton had never been erected: *Provided*, That nothing herein contained shall be so construed as to deprive the Orphans' Court of said county of Fulton of exclusive jurisdiction over the estates of all decedents who resided at the time of their death within the limits of the county of Fulton, upon whose estates letters testamentary or of administration had not been granted on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-one.

Citations.

SECTION 11. That citations and all other process issued by the Orphans' Court of Bedford county, may be served upon executors, administrators, guardians, and trustees, residing in the county of Fulton, and deriving their authority from the Register or Orphans' Court of the said county of Bedford, in the same manner, and with the same force and effect, as if the said county of Fulton had never been erected.

Court of Com-
mon Pleas.

SECTION 12. That it shall be lawful for the court of Common Pleas of Bedford county, where its jurisdiction may have attached before the passage of this act, to have such control and exercise such powers over assignees, trustees, and their accounts, as are conferred upon Orphans' Court by the tenth and eleventh sections of this act.

Register of
Wills.

SECTION 13. That the register of wills and Register and Orphans' Court of said county of Fulton, shall from the first day of September, A. D., one thousand eight hundred and fifty, have and exercise the same powers and jurisdictions over the legal representatives and the estates of decedents, in all cases where such decedents resided at the time of their decease within the territory now comprising said county of Fulton, where said estates shall then be unsettled as they would have had, and exercised if said decedents had died after said first of Septem-

ber, Anno Domini, one thousand eight hundred and fifty; but all original papers relating to such estates shall remain in the proper offices of Bedford county, where the same are now filed, duly certified copies of which shall be given by the proper officers, at the request and expense of the person applying for the same, and shall be acted on as if the same were original in said county of Fulton: *Provided however*, That the provisions of this section shall not prevent parties who may desire it from completing the settlement of estates in the courts of Bedford county, according to the terms and in the manner prescribed by the tenth, eleventh, and twelfth sections of this act, but the transfer and commencement of proceedings in the courts of Fulton county, as allowed in this section, shall be a full answer and complete bar to any further proceedings in the county of Bedford relative to such estate or estates.

SECTION 14. That all actions of ejectment, trespass, quare, clausum, Ejectment. fregit, and all other local actions now pending in the Court of Common Pleas of Bedford county, where the locus in quo is situate in the county of Fulton, shall be certified and transferred to the Court of Common Pleas of Fulton county, in the same manner, and at the cost of such party as other actions are authorized to be transferred by the fifth section of the act to which this is a supplement, and be there proceeded in as if the same had been originally commenced in the said county of Fulton: *Provided*, That the prothonotary of Bedford county shall not be compelled to procure a docket as required by said fifth section, but may certify each case separately, if he deem it advisable.

SECTION 15. That all præcipes, orders, processes, and receipts, in Process, &c. the county of Fulton, which were signed before the holding of the first court in said county of Fulton by attorneys-at-law, who at the time of signing had been duly admitted to practice in the several courts of Bedford county, and all proceedings thereon, are hereby declared to be as good and valid as if such attorney or attorneys had been previously admitted to practice in the several courts of Fulton county.

SECTION 16. That the said county of Fulton shall maintain and support all persons who now are or hereafter may be paupers, and confined or supported in the poor house of the county of Bedford, and who were heretofore paupers or residents of the county of Fulton: *Provided however*, That said county of Fulton may be at liberty to withdraw any paupers who were residents of said county of Fulton, from the poor house of Bedford county, and assume and provide for the support of such paupers. Paupers.

SECTION 17. That on or before the first Tuesday of May, one thousand eight hundred and fifty-one, the commissioners of the county of Bedford are hereby required to appoint one person, and the commissioners of the county of Fulton one person, and the two so appointed shall within twenty days thereafter appoint a third person, not a citizen of either county, to apportion the taxes which had been assessed upon the citizens of Fulton county, for the year one thousand eight hundred and fifty; the three persons so appointed shall meet in Bedford on or before the first Monday in July next, and having been first duly sworn or affirmed to perform their duties with impartiality and fidelity, shall make out an account of all expenses incurred or paid by the county of Bedford to or for the citizens of Fulton during the year one thousand eight hundred and fifty, including jurymen, constables, road and bridge views, and damages, State prosecutions, paupers, and all expenses and charges whatsoever; the three persons herein appointed shall themselves, or either of them, have free access to the books, accounts, and papers on file in the commissioners and treasurers offices of Bedford county; one copy of the account thus made out and certified by said persons, or Apportionment of taxes.

a majority of them, shall be filed in each of the offices of the commissioners of the counties of Bedford and Fulton, whereupon the commissioners of Bedford county shall deduct the same from the taxes paid into said county for the year aforesaid by the citizens of Fulton county, and shall draw their warrant in favor of Fulton county upon the treasurer of Bedford, for the balance of said taxes received, if any; and if the amount of expenses as certified by the persons aforesaid shall not have been received by the treasurer of Bedford county from the citizens of Fulton county, then the commissioners of Fulton county shall draw their warrant on the treasurer of said county in favor of the county of Bedford, for the deficiency. All taxes due by citizens of Fulton county for the year one thousand eight hundred and fifty, and not collected and paid over to the treasurer of Bedford county before the passage of this act, shall be collected and paid by the several collectors to the treasurer of Fulton county; and if the commissioners of either of said counties shall neglect or refuse to make the appointment required of them by this act, then the persons appointed by the commissioners of the other county shall appoint two persons, who together with himself shall perform the duties prescribed by this section; and if any vacancy should occur in the board of three persons who may be appointed in pursuance of this act, the same shall be supplied in the same manner and by the same power that made the original appointment: *Provided*, That in case the commissioners of either of said counties fail or neglect to pay the said amount which may be fixed upon by the said three persons as being the amount due to the other county, then it shall be lawful for the county to which such sum may be found to be due, to recover the same by due process of law: *And provided further*, That the persons appointed in this section shall not receive more than two dollars per day each for every day necessarily spent in the performance of their duties, and shall be paid at the joint expense of the two counties.

Public bridges
and county
Academy.

SECTION 18. That the commissioners of said county of Fulton, or their successors in office, shall expend the whole amount of money raised under the provisions of the act to which this is a supplement, relative to subscriptions for the location of a county seat, in paying the tax due on the original act, the expenses incurred in organizing the county, and the erection of public buildings if they deem it advisable; and if not, then the surplus, whatever it may be, shall be expended in erecting public bridges, a county academy, or for such purposes as they may direct: *Provided however*, That if any of the persons who subscribed, or any of the obligors in the bond given to secure the payment of said sum of money, shall on or before the first day of April, one thousand eight hundred and fifty-one, when the first payment of said subscription becomes due, object to the provisions of this section, and signify their objections to the county commissioners in writing, then this section, and so much of the third section of this act as legalizes the location of the county seat, shall be null and void; and it shall be the duty of said commissioners to re-locate the county seat of Fulton county according to the terms of the act to which this is a supplement: *And provided further*, That if no such objections be filed within the time herein specified, then this section, and the whole of the third section of this act, shall be and remain in full force and virtue.

Tavern licenses.

SECTION 19. That every person intending to apply for a tavern license in the county of Fulton after the first day of May next, shall give public notice of the same by at least three publications in one newspaper published in said county, if any such there be, which no-

tices shall embrace the certificate required by the fourth section of the act passed on the eleventh day of March, one thousand eight hundred and thirty-four, entitled "An Act relating to inns and taverns and retailers of vinous and spirituous liquors," the last of which publications shall be at least ten days before the first day of the term of the court to which the application shall be made.

SECTION 20. That so much of the act of nineteenth of April, one thousand eight hundred and fifty, to which this is a supplement, and so much of act or acts of Assembly of this Commonwealth as is inconsistent with the provisions of this act, be, and the same is hereby repealed. Repeal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 164.

AN ACT

Authorizing the Governor to incorporate the Union Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Abraham K. Wright, William Bigler, James I. Leonard, Richard Shaw, James B. Graham, Ellis Irwin, and Ferdinand P. Huoxthal, all of Clearfield county, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall procure a book and therein enter as follows: "We whose names are hereto subscribed, do promise to pay the president and managers of the Union Turnpike Road Company the sum of twenty dollars for every share of stock by us subscribed in said company, in such manner and proportions, and at such times and places, as shall be determined on by the president and managers, in pursuance of an act entitled 'An Act authorizing the Governor to incorporate the Union Turnpike Road Company,' witness our hands this day of Anno Domini, one thousand eight hundred and fifty- " and any four or more of said commissioners shall at any time or place to be fixed upon by them, upon such notice as they shall deem fit, open the said book and receive subscriptions from any persons of lawful age who may therein so desire to subscribe. Commissioners.
Form of subscription.

SECTION 2. That when ten or more persons shall have subscribed fifty shares of the said stock, the said commissioners, or any four of them respectively, may certify under their hands and seals the names

of the subscribers, and the number of shares subscribed by each, to the Governor of this Commonwealth; whereupon it shall be lawful for the Governor, by letters patent under his hand and seal of State, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the entire number into one body politic and corporate in deed and in law, by the name, style, and title, of "The President and Managers of the Union Turnpike Road Company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper; and of purchasing, taking, and holding to them, their successors and assigns, and of selling, transferring, and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one newspaper printed in Clearfield county, of a time and place by them to be appointed, at least fifteen days prior to the time of meeting, at which time and place the said commissioners and subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, three managers, and one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday of January then next, and until such other officers shall be chosen; and shall and may make such by-laws, orders, and regulations not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as shall be necessary for the well-ordering the affairs of said company: *Provided always*, That no person shall have more than ten votes at any election, and that each person shall be entitled to one vote for every share held by him under that number: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election shall have been fully paid and discharged.

SECTION 4. That the stockholders of the said company shall meet on the first Monday of January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner and form as shall be determined by the managers, and as shall be fixed by the by-laws of the said corporation.

SECTION 5. That the said president and managers shall make out certificates of stock signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one thereof to each subscriber, for any share or number of shares by him or her held, on his or her paying to the treasurer the sum of twenty dollars for each share so held, or upon producing a receipt for the payment thereof; which certificate shall be transferable in person or by attorney on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

SECTION 6. That it shall be lawful for the said president and managers, their superintendents, surveyors, or any person by them employed,

to enter in and upon all and every the lands, tenements, and encl- Enter upon
sures, in through and over the said intended turnpike road may be lands.
thought proper to pass, and survey, lay down and ascertain, mark and
fix such route for said road as to the best of their judgment and skill
will combine shortness of distance with the most eligible ground, be-
ginning at a point west of Philipsburg, on the Philipsburg and Susque-
hanna Turnpike Road; thence to the Snow Shoe and Packersville
turnpike road, at a point east of George J. Kiler's, in Bradford town-
ship, in a direction to the town of Clearfield.

SECTION 7. That the said president and managers, two of whom shall Minutes of pro-
be a quorum, shall keep minutes of their proceedings, and shall have full ceedings.
power to employ laborers or other persons to construct said road and
collect tolls thereon; to fix their compensation, to ascertain the times
and proportions in which the stockholders shall pay the amount of
their respective shares, to draw orders on the treasurer for all debts
contracted by them, and to do and transact all other acts, matters, or
things, as by the by-laws, orders, and regulations of the said company
shall be entrusted to them.

SECTION 8. That if any stockholder, either original subscriber or Forfeiture of
assigner, after twenty days' notice in one newspaper printed in Clear- stock.
field county, of the time and place appointed for the payment of any
instalment upon the capital stock, shall neglect to pay such proportion
at the place appointed, for the space of twenty days after the time ap-
pointed for the payment thereof, any such stockholder shall, in addi-
tion to the instalment so called for, pay at the rate of two per centum
per month for every such delay; and in default of payment by any
stockholder during the space of sixty days after said notice, the presi-
dent and managers may cause suit to be brought in the same manner
as debts of like amount are now recoverable, for the recovery of the
same, together with the per centum aforesaid.

SECTION 9. That it shall and may be lawful for the said president Enter upon
and managers, by and with their engineers, laborers, and other persons lands, &c.
by them employed, with their implements of labor, wagons and beasts
of burden, to enter in and upon the lands contiguous to which the
said road shall be made and constructed, and dig and carry away tim-
ber, stone, sand, earth, or other materials necessary to make said road.

SECTION 10. That for damages to private property, and the mode of Damages.
assessing and collecting the same, for the erection of bridges, for the
manner of constructing said road, for the license to erect toll-gates, for
the erection thereof, for the collection of tolls and the amounts thereof,
for the penalty for evading payment of tolls, for tax upon dividends,
for proceedings against said company, and for the punishment of per-
sons who attempt to defraud said company of their legal tolls, and a
description of the said offence, for limitation of actions, and for the
recovery and application of fines and penalties for offences against this
act, the said company shall have all the powers, authorities, rights, and
privileges, and be subject to all the penalties which are given and
granted by the "act incorporating the Philipsburg and Susquehanna
Turnpike Road Company."

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand
eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 165.

A N A C T

To authorize the German congregation of Moore township, Northampton county, to make sale of fourteen acres and one hundred and forty perches of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Bechy, Edward Clippenger, Henry Koch, and Daniel Silvius, the present trustees of the German congregation of Moore township, or their successors in office, be, and they are hereby authorized to make sale of fourteen acres one hundred and forty perches of land belonging to said congregation, either at public or private sale, and to make title for the same in fee simple; the proceeds to be applied to the purposes of the said congregation, after the payment of any sums, if any, against the said real estate.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 166.

A S U P P L E M E N T

To an act entitled "An Act to incorporate the town of Freeport, in the county of Armstrong."

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the boundaries of the borough of Freeport, in the county of Armstrong, be, and they are hereby enlarged and extended as follows, to wit: Beginning at the extreme point on the borough line at the head of Todd's Island, thence by a direct line running in a north-western direction to the eastern end of A. W. Lane's mill dam on Buffalo creek, thence down the eastern margin of said creek to the present borough line; and the land included within the above-mentioned limits is hereby made

part and parcel of said borough, and the persons now residing or who may hereafter reside thereon, shall enjoy all the rights, privileges, and immunities, and be subject to all the laws relating to said borough, as fully as if it had been included in the act incorporating the same.

SECTION 2. That the burgess, or in his absence or inability to attend, the assistant burgess, and any two of the councilmen of said borough who shall be appointed by the burgess or assistant burgess, as the case may be, shall perform all the duties of fence viewers imposed by the laws of this Commonwealth on township auditors. Fence viewers.

SECTION 3. That it shall be lawful for the burgess and town council of the borough of Freeport, in the county of Armstrong, to widen a certain lane in said borough known as Putney's lane, and convert the said lane into a street forty feet in width; the said street to be opened from Fifth street to the line separating the out-lots in James Armstrong's plot of said borough from land of the heirs of H. S. Weaver, deceased: *Provided*, The damages sustained shall be assessed and paid by said borough according to the provisions of existing laws. Putney's lane,
in the borough
of Freeport.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 167.

AN ACT

To authorize William B. Fling, trustee under the will of Mary A. Haydock, deceased, and his successors; the Pennsylvania Company for insurance on lives and granting annuities; John Foreman, the executors of Joseph A. Needles, and the trustee under the will of Francis Milligan, deceased, to sell real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William B. Fling, of the city of Philadelphia, trustee under the will of Mary A. Haydock, deceased, late of Mount Holly, State of New Jersey, and his successor, be, and he is hereby authorized and empowered to sell and dispose of, at public or private sale, on ground rent or otherwise, all the unproductive real estate of the said Mary A. Haydock, deceased, and to make good and sufficient conveyances to the purchaser or purchasers thereof, free and discharged from all trusts, and without any liability on their part to see to the application of the purchase money; and the said William B. Fling, trustee as aforesaid, Trustee under
the will of Mary
A. Haydock, au-
thorized to sell
certain real es-
tate.

and his successor, is hereby authorized and empowered to receive the proceeds of any such sales, and the principal of any ground rents or mortgages, or other moneys belonging to the said trust, which may hereafter be paid off, and to make good and sufficient conveyances and receipts for the same, free and discharged from all trusts, and without any liability on the part of the persons so making payment to see to the application of such payments, and to re-invest for such purposes as are in the said will mentioned, any sum or sums of money so received as aforesaid in good ground rents, or such other securities as the Orphans' Court of the city and county of Philadelphia may approve; and to collect and enforce by due course of law payment of all ground rents, interests, or other moneys, due or that shall hereafter become due and payable unto William B. Fling, trustee as aforesaid, or his successors duly appointed: *Provided however*, That no sale or sales under this act shall be valid and effectual until approved of by said court; nor shall any powers or authority vested in said trustee by this act be executed by said trustee or his successor, until he shall have first given security, to be approved of by said court, for the due and faithful execution of his trust.

Preamble.

Whereas, A certain messuage held by the Pennsylvania Company for Insurance on Lives and Granting Annuities, as by trustees under the will of James King, of the Northern Liberties, deceased, in trust for Mrs. Cornelia Cooper for life, remainder to Daniel Rodney King for life, remainder to his eldest son, if any he may leave him surviving, his heirs and assigns, the other devisees in the said will named having departed this life without issue, has lately been destroyed by fire, and there are no means whereby the same can be rebuilt and rendered available for the purposes of the trust.

Pennsylvania Company for Insurance on Lives, authorized to sell certain real estate.

SECTION 2. That the Pennsylvania Company for Insurance on Lives and Granting Annuities are hereby authorized and empowered to sell by private or public sale, or to let on ground rent, a certain messuage and lot of ground, late number two hundred and ten north Front street, between Vine and Callowhill streets, in the Northern Liberties, with the back buildings, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including the whole of the purchase made by the late James King from Edward Cutbush and Ann his wife, being the same premises devised by the said James King, deceased, to his executors in trust for his daughter Cornelia Cooper for life, remainder to his grandson James King, junior, lately deceased, for life, and to his eldest son in fee, and if he should leave no son him surviving, remainder to his grandson Daniel Rodney King for life, and after his death to his eldest son in fee, and if he the said Daniel should die without leaving any son, et cetera, to his son Joseph King and his heirs forever; and also to agree to release and vacate an alley or right of way thereunto belonging, upon receiving an equivalent in lands or other privileges to be held and enjoyed with and by the premises aforesaid and good and sufficient deeds and conveyances therefor to make, seal, execute, and deliver to the purchaser or purchasers thereof, freed from all trusts whatever, and without any obligation on the said purchaser to see to or be responsible for the application of the said purchase money: *Provided*, No such sale or conveyance shall be made without the consent and approbation of the said Cornelia Cooper and Daniel Rodney King, or of the survivor of them, evidenced by their being party to and signing and sealing the said deed and conveyances therefor.

Further powers.

SECTION 3. That the Pennsylvania Company for Insurance on Lives and Granting Annuities, and every other trustee or trustees who may

be hereafter appointed, shall take, receive, and hold the said purchase money for the uses, trusts, and purposes expressed and declared in relation to the said message and lot of ground, with the appurtenances in the will of the said James King, deceased, proved the ninth day of January, one thousand eight hundred and thirty-three, and remaining of record in the office of the register of wills in and for the city and county of Philadelphia, and for no other use or purpose whatever: *Provided*, That before said Pennsylvania Company for Insurance on Lives and Granting Annuities shall execute any deed or deeds for the same, the Orphans' Court of Philadelphia county shall approve of such sale, and the said Pennsylvania Company for Insurance on Lives and Granting Annuities shall give bond with such security as the said court shall direct, conditioned for the faithful application or re-investment of the proceeds thereof for the uses and purposes mentioned in the said will.

SECTION 4. That John Foreman, of the county of Philadelphia, be, and he is hereby authorized to sell at public or private sale, all the estate, right, title, and interest of his minor children, Amanda, Joseph, and Catharine Foreman, in and to a certain message and lot situate on the south side of Green street, sixty feet east of Saint John street, in the Northern Liberties, containing in front twenty feet one inch, and in depth about seventy-two feet; and that he shall have full power and authority to execute a deed or deeds in fee simple to the purchaser or purchasers thereof: *Provided however*, That upon such sale the said John Foreman shall give security to the satisfaction of the Orphans' Court for the city and county of Philadelphia for the faithful application of the proceeds of said sale, agreeably to the directions of said court, which shall be a discharge of the liability of the purchaser to see to the application of the purchase money: *Provided also*, That said court shall approve of said sale.

John Foreman
authorized to
sell real estate.

SECTION 5. That Deborah H. Needles, William H. Needles, and Joseph A. Needles, executors of the last will and testament of Joseph A. Needles, late of the city of Philadelphia, deceased, or the survivors or survivor of them be, and they are hereby authorized and empowered to sell at public or private sale, and on such terms as to them shall be deemed most advantageous, all and singular the real estate of the said Joseph A. Needles, deceased, or of which he died seised in the city of Philadelphia, or any part thereof; and upon a sale or sales being so made, the said executors, or the survivors or survivor of them, are hereby authorized and empowered to execute and deliver to the purchaser or purchasers thereof a deed or deeds conveying all the estate and interest of the said Joseph A. Needles, deceased, in and to the same, without any obligation on the part of the purchaser or purchasers to see to the application of the purchase money, or be in any way responsible for such application: *Provided however*, That before the execution of such deed, the executors shall give security, to be approved by the Orphans' Court of the city and county of Philadelphia, for the faithful and legal application of the proceeds of sale, so as to secure the rights of the parties interested therein: *And provided also*, That the said court shall approve of said sale or sales.

Executors of
the last will of
Joseph A.
Needles author-
ized to sell real
estate.

SECTION 6. That the trustees for the time being, under the last will and testament of Francis Milligan, late of the city of Philadelphia, merchant, deceased, proved and registered at Philadelphia, on the sixth day of November, A. D., one thousand eight hundred and forty-six, shall be, and they are hereby authorized and empowered to sell by public or private sale, the message or tenement and lot of

Trustees under
the last will of
Francis Milli-
gan authorized
to sell real es-
tate.

ground hereinafter described, with the appurtenances, to wit: All that certain three-story brick messuage or tenement and lot or piece of ground situate on the north side of Pine street, at the distance of twenty feet eastward from the east side of Delaware Fifth street, in the said city, containing in front or breadth on the said Pine street thirty-six feet, and extending in length or depth of that breadth northward at right angles with the said Pine street sixty-seven feet; bounded westward by ground granted to Samuel Morrow; northward by ground granted to Hugh Wilson on ground rent, since of William B. Geyer, and now of Thomas K. Tresse; eastward by ground late of John Wellwood Scott, now of William S. Smith; and southward by Pine street aforesaid, being the same premises which William South and Eliza his wife, by indenture dated the sixteenth day of September, Anno Domini, one thousand eight hundred and forty-one, and recorded in deed book G S, number thirty-two, page forty-seven, &c., granted and conveyed unto the said Francis Milligan in fee, under and subject to the payment of a yearly rent, charge, or sum of one hundred and forty dollars, and in due form of law to grant and convey the said premises unto the purchaser or purchasers thereof in fee simple, free and discharged from all the trusts in the said will limited and declared, and without liability on the part of such purchaser or purchasers to see to the application of the purchase money, and to take and hold the moneys produced by such sale upon the trusts and for the uses and purposes in the said will declared with respect to the residue of the estate of the said testator: *Provided*, That the power hereby granted shall not be exercised until such sale shall be confirmed by the Orphans' Court of the county of Philadelphia; and the said trustees shall conform to such orders and decrees as the said court at the time of such confirmation may make in respect to the same: *And provided also*, That before such sale or sales shall be confirmed by said court, the said trustees shall give good and sufficient security, to be approved by said court, for the faithful application of the moneys arising from such sale or sales.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 168.

AN ACT

To incorporate the Somerset and Johnstown Plank Road Company, relating to the half pilotage law, and in relation to elections in Tioga county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac Ankeny, John O. Kimmel, Edward Scull, Henry Schell, Michael A. Sanner, James Parson, Henry Benferd, A. J. Ogle, Samuel W. Pearson, Samuel Gaither, John R. Edie, John Neff, Henry Little, John H. Snyder, George Foy, Joseph A. Garman, Jonathan Statler, John Hite, Josiah Hartzell, Samuel Kimmel, A. S. H. Young, Isaac Kaufman, Peter Levy, Joseph Hoffman, John Linton, George W. Kern, John Matthews, David Hite, Emanuel Shaffer, and Jesse Patterson, all of Somerset and Cambria counties, be, and they are hereby appointed commissioners; and they or any eight of them are hereby authorized to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Somerset and Johnstown Plank Road Company," with power to construct a plank road from the borough of Somerset, in the county of Somerset, to the borough of Johnstown, in the county of Cambria, by way of the borough of Stoystown and the town of Davidsville, in the county of Somerset, by the best route or routes, and on the bed of the State road leading from Stoystown to Johnstown, or on the bed of any part of the Somerset and Conemaugh turnpike road, as the stockholders may determine upon, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.

Commissioners.

Style.

Subject to provision of certain act.

SECTION 2. That the capital stock of said company shall consist of three thousand shares, at twenty-five dollars per share; and said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs and pay the debts of said company.

Commencement and completion of road.

SECTION 4. That no duly licensed coasting steamboat or propeller steamboat, sailing to or from any port within this State, and no duly licensed coasting vessel bound from any port within this State, and no duly licensed coasting vessel of the burthen of one hundred tons or under, and bound to any port within this State, shall be obliged to take a pilot, or to pay any pilotage therefor; and all vessels taking steam down as far as Reedy Island, between the twentieth day of November and the tenth day of March inclusive in any year, there

Pilotage.

shall be a deduction of five dollars; or to the Buoy of the Brown there shall be abated the whole charge of winter pilotage of ten dollars.

Pilotage.

SECTION 5. That every vessel arriving from or bound to any foreign port or place, and every other vessel of the burthen of one hundred tons or upwards, sailing from or bound to any port not within the river Delaware (except licensed coasting vessels sailing from this port), shall be obliged to take a pilot; and it shall be the duty of the master of every such vessel, within thirty-six hours next after his arrival at said port of Philadelphia, to make a *recort* to the master warden of the name of such vessel, her draught of water, and the name of the pilot who shall have conducted her to this port. And when any such vessel shall be outward bound, and not duly licensed to coast, the master of such vessel, and the pilot who is to conduct her to the Capes, and her draught of water at that time; and it shall be the duty of the wardens to enter every such vessel (reported as aforesaid) in a book to be by them kept for that purpose; and if the master of any such vessel shall neglect or refuse to make such a report, he shall forfeit and pay the sum of ten dollars, and no more. And if the master of any such vessel, being licensed as a coasting vessel, and of the burthen of one hundred tons or more, shall refuse or neglect to take a pilot, the master, owner, or consignee of such vessel, shall forfeit and pay the sum equal to half pilotage of such vessel; and if such vessel be not licensed as aforesaid, then and in such case the master, owner, or consignee thereof, shall forfeit and pay the full pilotage thereof: *Provided always*, That whenever it shall appear to the wardens that in the case of an inward bound vessel, should a pilot not offer before such vessel reached the Brandywine light-house bearing east, or in case of an outward bound vessel that a pilot could not be obtained for twenty-four hours after such vessel was ready to depart, the penalty aforesaid for not having a pilot shall be incurred.

Pilotage.

SECTION 6. That all sums due for pilotage, half-pilotage, and all other claims and penalties, in the nature or in lieu thereof, shall, as they accrue, become and remain a lien upon the vessel chargeable therewith, her tackle, apparel, and furniture, until they are paid; and for the recovery thereof, in addition to the remedies now provided (and which shall remain as heretofore), such process and proceedings shall issue and be had in the Court of Common Pleas of Philadelphia county, or in any court possessing admiralty jurisdiction, as are usually had in courts of admiralty for the recovery of seamen's wages; and all half-pilotage, forfeitures, and penalties in the nature thereof, accruing by virtue of this act, and all other debts, claims, and demands to which the society for the relief of distressed and decayed pilots, their widows and children, are legally or equitably entitled to under any law whatever, shall be recovered in the name and for the use of the said society to whom, or to whose agent duly constituted, the same shall be paid: *Provided*, That in all suits and proceedings to which "The society for the relief of distressed and decayed pilots, their widows and children," shall be a party, no person shall be incompetent to testify as a witness, because of his being a member thereof.

Further regulations.

SECTION 7. That such law or laws of this Commonwealth as are hereby repealed or supplied, shall thenceforth be and remain void; saving, nevertheless, all claims and causes of action which were instituted under any former laws, which shall continue to be presented as therein directed, and where proceedings therefor shall not have been commenced, the same shall be prosecuted as prescribed under existing laws prior to the passage of this act.

SECTION 8. That the elections held on the twenty-first day of February, A. D., one thousand eight hundred and fifty, one in the townships of Lawrence and Chatham, in the county of Tioga, are hereby declared good and valid, and to have the same force and effect as if they had been held on the day provided by law; and the Governor of this Commonwealth is hereby authorized to commission the person or persons elected justices of the peace in said townships, at any time within twenty-five days from the passage of this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 169.

A SUPPLEMENT

To an act passed the seventh day of April, one thousand eight hundred and thirty-two, authorizing the Governor to incorporate the Ligett's Gap Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Ligett's Gap Railroad Company, for the purpose of constructing and completing their railroad and improvements, be, and are hereby authorized to increase their capital stock to such extent as they may deem necessary and expedient, not exceeding nine hundred thousand dollars, or in lieu of the same or any part thereof, to issue bonds or certificates of loan; and in such case the directors shall have the power to give to the stock, bonds, and certificates thus issued, such preference by mortgage or otherwise over the original capital stock of the company, in the amount and payment of dividends and interest not exceeding seven per cent., as they shall deem expedient: *Provided*, That to the extent of any sum of money which shall be subscribed to this increased capital stock, the company shall be taxed one per cent., payable in every case at the end of one year after the date of such subscription, to be appropriated to a redemption of the loans of this Commonwealth: *Provided*, That it shall not be lawful for the

Increase of
capital stock.

said company to evade the payment of any of its obligations by virtue of the plea of usury against the party who may sue for the same.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 170.

AN ACT

To authorize A. K. Lewis (trustee) to sell certain real estate in the city of Pittsburg, and relative to the estate of Arthur Graham, late of Lebanon county, deceased, authorizing the administrators of Dr. James Clarkson, deceased, to sell certain real estate, Francis Patrick Kenrick, bishop of Philadelphia, to convey certain real estate in the borough of Columbia, relative to the collection of taxes in West Earl township, Lancaster county, and authorizing the appointment of a trustee for Mary P. Moore, of Washington county.

Preamble.

WHEREAS, Christopher Cowan (now deceased) being seised in fee of a certain lot or parcel of ground situate in the city of Pittsburg, beginning at the corner of Water and Short streets, and extending eastwardly along Water street forty-six feet, and then northwardly of the same breadth binding on Short street throughout from Water to Front street, being part of lot numbered one hundred and forty-nine in the original plan of said city, did on the seventeenth day of November, Anno Domini, one thousand eight hundred and thirty-four, make and execute a certain deed of trust, recorded in book third D, page sixteen, one of the land records of the county of Allegheny, whereby he conveyed said parcel of ground with the buildings thereon to David King and William Holmes, and their heirs in trust for the support and maintenance of his daughter, Mary Wrenshall, wife of John F. Wrenshall, and of the children then born, or that might thereafter be born, with power to convey the whole property in fee to Mrs. Mary Wrenshall should she survive her said husband; and in the event of said John F. Wrenshall surviving his said wife Mary, then to convey in fee to the children, share and share alike, and to resign the care and management of said estate into the hands of the said John F. Wrenshall.

And whereas, The said "property" is deteriorating in value, yielding but a very small annual rent, and if sold the proceeds could be safely and permanently re-invested so as to treble the amount of its present income, and it being the wish of all parties interested that the same should be sold; therefore,

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Abraham Kirkpatrick Lewis, the present trustee appointed by the proper court, is hereby authorized and empowered to sell and convey in fee simple, the said John F. and Mary Wrenshall uniting in such conveyance, at public or private sale the aforesaid property to any person or persons whomsoever, and to execute and deliver all deeds or other instruments that may be necessary and proper for carrying into effect the powers hereby granted, and so that the purchaser or purchasers thereof shall not be bound to see to the application of the money arising therefrom, nor be in any way liable in respect to the execution or non-execution of the said trust: *Provided*, That such sale shall not be valid and effectual in law unless the Orphans' Court of Allegheny county shall have first approved of the same, nor unless the said trustee shall have first given good security, to be approved by said court, for the faithful appropriation of the proceeds according to the true intent, requirements, and meaning of said deed or trust.

Abraham Kirkpatrick Lewis authorized to sell certain real estate.

SECTION 2. That William Troxell, of South Annville township, Lebanon county, be, and he is hereby authorized to sell and convey in fee simple, a certain house and lot of ground situate in South Annville township, Lebanon county, the estate of the heirs of Arthur Graham, deceased: *Provided*, The sale as aforesaid shall be approved of and confirmed by the Orphans' Court of Lebanon county.

William Troxell authorized to sell certain real estate.

SECTION 3. That Matilda Clarkson, administratrix, and James Cowden, administrator of Dr. James S. Clarkson, deceased, late of the borough of Columbia, Lancaster county, and State of Pennsylvania, shall be, and they are hereby authorized and empowered, by and with the consent of J. Houston Mifflin, or other guardian of Thomas Chalmers Clarkson, minor child of the said James S. Clarkson, deceased, to sell at private sale to such purchaser or purchasers as they may deem best, all the undivided right, title, and interest of the said Dr. James S. Clarkson, deceased, in and to a certain lot of ground or any part thereof in Columbia aforesaid, purchased by him in conjunction with Samuel Shock, from John L. Wright, to the same effect, intent, and purpose, as they might or could do by a public sale under the laws of this Commonwealth; and to make to the purchaser or purchasers a good and sufficient deed or deeds, conveying all the interest of the said Doctor James S. Clarkson, deceased, at the time of his death, in the part or parcels so sold: *Provided*, That the said Matilda Clarkson and James Cowden as aforesaid, shall first give security, to be approved by the Orphans' Court of said county, for the faithful application of the proceeds of sale: *And provided also*, That all sales made in pursuance of the provisions of this act, shall first be approved by said court.

Administrators of Dr. James S. Clarkson authorized to sell certain real estate.

SECTION 4. That the Right Reverend Francis Patrick Kenrick, Bishop of Philadelphia, trustee for the Catholic congregation of the borough of Columbia, in the county of Lancaster, be, and he is hereby authorized and empowered to grant and convey by deed unto Robert B. Wright, his heirs and assigns, all that part of the Catholic Church lot in the borough of Columbia aforesaid, lying and being north-west of a line drawn from the west corner of the Catholic parsonage at right angles to Second street, and extending to an alley on the north-east side of said lot; and to receive in consideration for the same, a good and lawful deed to the said Right Reverend Patrick Kenrick, Bishop of Philadelphia, and his successors in office, in trust for the Catholic congregation of the borough of Columbia aforesaid, from the said Robert B. Wright, for all that part of his lot adjoining the Catholic Church lot aforesaid, lying and being south-east of a line drawn from the west corner of the Catholic parsonage at right angles to Second street.

Bishop Kenrick authorized to sell certain real estate in Columbia, Lancaster county.

Provisions of
certain act ex-
tended to West
Earl township,
Lancaster coun-
ty.

SECTION 5. That the provisions of the seventh section of an act entitled "An Act authorizing the sale of certain real estate, and relative to the collection of taxes in certain townships in Monroe, Berks, and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana, and Schuylkill counties," approved the tenth day of April, one thousand eight hundred and forty-eight, be, and the same is hereby extended to West Earl township in Lancaster county.

Trustee for
Mary P. Moore,
Washington
county.

SECTION 6. That the Orphans' Court of Washington county be, and are hereby directed on application of Mary P. Moore, formerly Mary P. Crouch, to appoint, after requiring sufficient security, any person said minor may designate, to take charge of and act as trustee for her estate until her majority, which is now in the hands of David Riddle her guardian; and the said guardian is authorized to settle his final account in the Orphans' Court as in other cases required, paying to the said trustee appointed under this act the estate of the said minor: *Provided*, That this act shall not be so construed as to change the descent in or to such estate; but to remain and continue according to the directions contained in the will of the said William Crouch, deceased.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 171.

AN ACT

To confer on Robert Robinson, Harriet Burgon, and Seth Robinson, illegitimate children of Robert Robinson, of the county of Greene, the rights, privileges, benefits, and advantages of children born in lawful wedlock.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Robert Robinson, Harriet Burgon, and Seth Robinson, of the county of Green, illegitimate children of Robert Robinson, shall have and enjoy all the rights, privileges, benefits, and advantages of legitimate children of the said Robert Robinson, born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if*

they had been the legitimate children of Robert Robinson, born in lawful wedlock.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 172.

AN ACT

Authorizing certain commissioners therein named to review and re-lay out parts of the Edgmont Great Road, in Delaware county, relative to the estate of William Wollerton, in Chester county, and relative to tax on dogs in certain townships in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joel Evans, James S. Peters, and John D. White, all of the county of Delaware, be, and they are hereby appointed commissioners to review that part of the Edgmont Great Road in said county extending from James street, in the borough of Chester, to the line dividing said borough from the township of Chester. Commissioners

SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace to perform the hereinafter mentioned duties with impartiality, carefully to view the said part of said road, and to re-lay out the same, changing or altering wherever they or a majority of them shall deem necessary, paying due regard to the original location of said road whenever the same can be satisfactorily ascertained, and avoiding as far as practicable doing damage to buildings and other permanent improvements. Duties.

SECTION 3. That the said commissioners, or a majority of them, shall make out and deposit in the office of the clerk of the Quarter Sessions of said county, a report and draft of said part of said road, noting thereon the course and distance, and the same shall be entered of record by the said clerk, and from thenceforth the said part of said road so re-laid out shall be a road to all intents and purposes as if laid out under the order of the Court of Quarter Sessions of said county; and it shall be the duty of the supervisors of said township to open the same and keep it in repair, agreeably to said report and draft, in the same manner, with the same powers, and subject to the Draft.

same fines and penalties for non-performance as in the case of other public roads.

Compensation.

SECTION 4. That the said commissioners shall receive for the performance of the duties enjoined by this act one dollar and fifty cents each per day, to be paid out of the treasury of said county.

Repeal.

SECTION 5. That the fifth, sixth, seventh, and eighth sections of the act of Assembly entitled "An Act authorizing individuals to construct railroads and plank roads in the county of Venango, relating to road taxes in Washington county, the navigation of Oswega creek, and the Farmers' and Mechanics' Turnpike Road Company, authorizing the sale of real estate in Lewisburg, Union county, and relative to the Edgmont Great Road, in Delaware county," passed on the twenty-second day of March, one thousand eight hundred and fifty, be, and the same are hereby repealed.

Wm. Wollerton
authorized to
sell certain real
estate.

SECTION 6. That William Wollerton, one of the executors of the last will and testament of William Wollerton, late of Uwchlen township, Chester county, deceased, be, and is hereby authorized to sell at public sale, at the highest and best price that can be obtained for the same, all those two adjoining houses and lots of ground with the appurtenances, situate on the north side of Market street, in the borough of West Chester, late the estate of the said William Wollerton; one of which houses was by him devised to his daughter Eliza, and the other house to his daughter Zeruah, as is above recited: *Provided*, That before the said sale shall take place, the said William Wollerton shall give bond with sufficient securities, to be approved of by the Orphans' Court of Chester county, conditioned for the faithful application of the proceeds of the said sales, agreeably to the will of the said William Wollerton, deceased: *And provided also*, That said court shall approve of said sale.

Repeal of cer-
tain act relative
to tax on dogs
in Chester
county.

SECTION 7. That the provisions of the first, second, third, fourth, and fifth sections of the act entitled "An Act laying a tax on dogs in certain townships in the county of Chester, et cetera," approved the eleventh day of March, one thousand eight hundred and fifty, be, and the same are hereby extended to the townships of East Pikeland and West Vincent, East Vincent, Lindongrove, and West Whiteland, in said county: *Provided*, That in the township of East Pikeland, the surplus, after paying all orders due at the end of the fiscal year, shall be paid to the supervisors of the township, to be applied to the repair of the roads for the next ensuing year.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 173.

AN ACT

To authorize the directors of the common schools for the borough of Schuylkill Haven, to borrow an additional sum of money, relative to the Farmers' Mutual Fire Insurance Company of Schuylkill county, and to Bethel School District, in Lebanon county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the common schools of the borough of Schuylkill Haven, in the county of Schuylkill, for the time being, or their successors in office, be, and they are hereby authorized and empowered to borrow any sum or sums of money, in addition to any sums hitherto authorized, not exceeding two thousand dollars, at any rate of interest not exceeding six per cent. per annum, for the purpose of paying for the erection and construction of the new school house building lately erected in said borough; and it shall and may be lawful for the board of school directors of said borough to secure the money so borrowed by bond or bonds, with mortgage or mortgages, upon the real estate belonging to the common school district of said borough, or otherwise, as said directors may direct.

School directors of Schuylkill Haven authorized to borrow money.

SECTION 2. That said board of school directors and their successors in office, are hereby authorized and empowered to levy and collect an increased tax each and every year, so long as it may be necessary, over and above any tax they have hitherto been authorized to levy and collect, so as to raise the sum of four hundred dollars per annum, to be specially pledged for the payment of the interest on any loan hereby and hitherto authorized, and to provide a sinking fund for its liquidation.

Authorized to levy taxes, &c.

SECTION 3. That the present board of directors for said schools, and their successors, are hereby authorized to let and demise for such a term of years as they may deem expedient, the attic and basement stories of their newly-erected school building, to any charitable, religious, or beneficial association or society, or to any person or persons for any purpose not inconsistent with good morals.

May let basement stories of certain school house.

SECTION 4. That the board of directors of the Farmers' Mutual Fire Insurance Company of Schuylkill county, shall have the power and may hereafter fix such rates of insurance and incidental charges and fees, as to them may seem equitable and just, not to exceed four dollars for each and every thousand dollars insured; and any person who shall become a member of said company by effecting insurances therein, shall first before he, she, or they receives his, her, or their policy or policies, pay the rates that shall have been fixed and determined upon; and no premium so paid shall ever be withdrawn from the said company during the continuance of the same; and the insurances heretofore made in pursuance of said act, and in conformity with the rates and fees mentioned in this section, is hereby declared to be as valid and effectual in law, to all intents and purposes, as if the same had been so prescribed by the sixth section of the act approved February fifth, A. D., one thousand eight hundred and fifty, incorporating the

Farmer's Mutual Fire Insurance company of Schuylkill county.

Farmers' Mutual Fire Insurance Company of Schuylkill county; and it shall be lawful for said company to loan such portion of money on hand not immediately required for the legitimate purposes of said company, to be secured by judgment or mortgages upon real estate of sufficient value, beyond all incumbrances, or such other securities, and shall be deemed sufficient by the board of directors of said company. So much of the sixth section of the act incorporating said company as is hereby altered and amended, be, and the same is hereby repealed.

Lyons school district, Susquehanna county.

SECTION 5. That section eleventh of the act of the sixth of May, one thousand eight hundred and fifty, entitled "A Supplement to the act for the regulation and continuance of a system of education by common schools," and so forth, which made part of Herrick school district, known as sub-district number two, in the county of Susquehanna, a separate and independent school district, to be known as the Lyons' school district, be, and the same is hereby repealed.

Bethel school district, Lebanon county.

SECTION 6. That the school directors of Bethel school district of the county of Lebanon, are hereby authorized and directed to appropriate an amount not exceeding twelve hundred dollars, for the purpose of erecting a two-story school house for common school purposes in the town of Fredericksburg, in said school district.

School directors of Clearfield authorized to borrow money.

SECTION 7. That from and after the passage of this act, the school directors of the borough of Clearfield are hereby authorized to borrow any sum of money not exceeding one thousand dollars, for the purpose of erecting a school house in said borough.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 174.

AN ACT

To incorporate the Good Will Hose Company of Spring Garden district, in county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all persons who are now members of the association called the Good Will Hose Company of Spring Garden district, in the county of Philadelphia, or shall be hereafter admitted members of the same, shall be,*

and they are hereby erected and declared to be one body politic and corporate, by the name, style, and title, of "The Good Will Hose Company of Spring Garden," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or otherwise, and to purchase, receive, have, hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and hereditaments, goods and chattels, of what nature, kind, or quality soever, real, personal, or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien, or dispose of: *Provided*, That the clear yearly value or income of the said corporation shall not exceed the sum of three thousand dollars; and also to make and have a common seal, and the same to break, alter, or renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation; not being contrary to this charter, or the Constitution and laws of the United States or of this Commonwealth; and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation and the due ordering and managing of the affairs thereof.

SECTION 2. That nothing contained in this act shall in anywise affect, alter, or diminish the rights and interests of the said Good Will Hose Company in the fire association of Philadelphia; but that the said Good Will Hose Company shall have, hold, possess, and enjoy the same under the name of the Good Will Hose Company of Spring Garden.

SECTION 3. That nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial, or manufacturing concern, but the object of the said corporation shall be the promotion of the public good by the extinguishment of fires.

SECTION 4. That the Legislature reserves the right to alter, revoke, or annul the privileges and charter hereby granted, whenever in their opinion the same be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 175.

AN ACT

Authorizing the school directors of Oley and Amity townships to borrow money, relative to the collection of taxes and security of supervisors in Muhlenberg township, vacating a certain street in the city of Reading, and incorporating St. John's church, in Robeson township, Berks county.

School directors of Oley township, Berks county, authorized to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the school directors of the township of Oley, in the county of Berks, be, and are hereby empowered to borrow any sum or sums of money not exceeding in the aggregate one thousand dollars, and to secure the re-payment of the same by mortgage on the real estate or any part thereof belonging to the said board, or by judgment which shall be a lien on said real estate.

Amity township, Berks county.

SECTION 2. That the school directors of the township of Amity, in the county of Berks, are hereby authorized to borrow the sum of two hundred dollars on the credit of their district, to be applied in payment of the debt contracted in building school houses in said district, which sum so borrowed shall be paid out of the first money collected on the school tax for the ensuing school year.

Muhlenberg township, Berks county.

SECTION 3. That the provisions of the second section of the act entitled "An Act authorizing the sale of certain real estate, and relative to the collection of taxes in certain townships in Monroe, Berks, and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana, and Schuylkill counties," approved April tenth, one thousand eight hundred and forty-eight, be, and the same are hereby extended to the township of Muhlenberg, in the county of Berks.

Supervisors of said township.

SECTION 4. That hereafter, the supervisors of the township of Muhlenberg, in the county of Berks, shall upon their election enter into a bond, with one or more sufficient sureties, in such sum as the Court of Quarter Sessions of said county shall direct, and to be approved by said court, conditioned for the faithful discharge of their duty, and the faithful appropriation of all moneys that may come into their hands.

Neversink road, Reading.

SECTION 5. That all that part of Neversink road or street in the city of Reading and county of Berks, from the point where it intersects South street, and extending thence northerly to the point where it intersects Laurel street, be, and the same is hereby vacated.

St. John's Church, Robeson township, Berks county, incorporated.

SECTION 6. That the members of the St. John's Church of Robeson township, in the county of Berks, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style, and title, of "The Independent Associated German Reformed and Lutheran Congregation of St. John's Church, of Robeson township," and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands, tenements, goods, and chattels, real, personal, and mixed, which are now or may hereafter become the property of said congregation or body corporate by gift, grant, devise, bequest, or otherwise, and the same to convey, lay out, apply, or dispose of, in such manner as a majority of the trustees of the said congrega-

tion shall direct and appoint, and according to the true intent of doners, grantors, and devisors, and the yearly value or income of the real, personal, or mixed estate of said congregation, shall not at any time exceed the sum of two thousand five hundred dollars, exclusive of annual stated contributions, and shall not be appropriated to any other than benevolent or religious purposes.

SECTION 7. That Jacob R. Hill, Philip Harts, Benjamin H. Hill, Henry Moyer, Benjamin Clauser, and John Haws, be trustees, to continue in office for one year, and until others be chosen, in such manner, time, and place, as shall be determined by a majority of the members of said church. Trustees,

SECTION 8. That the said trustees shall choose by ballot from among their number a president and secretary, and shall also choose a treasurer who is a member of the congregation, and who shall if required by the trustees give security for the faithful performance of the trust reposed in him, and to account to them for all sums of money received by him; and in case of the removal of the president or of any of the trustees, or of any other officer of the board of trustees by death, resignation, or otherwise, the vacancy or vacancies shall be supplied by said board until the next annual election. Officers.

SECTION 9. That the trustees and their successors shall have full power to make and to use one common seal, and the same to alter and renew at pleasure, to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the congregation, to appoint the time for holding the annual meeting for electing trustees, and to change the time for said purpose from time to time as they may find convenient, or if the congregation neglect to elect on the day of the annual meeting, appoint any subsequent time on which said election shall be held: *Provided*, That notice thereof be given from the pulpit, or in such other manner as a majority of the trustees may direct, at least two weeks before said election: *And provided also*, That said by-laws and ordinances shall not be inconsistent with the Constitution or laws of this State or of the United States. Common seal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 176.

AN ACT

Relating to the repairs of county bridges, to the collection of taxes in Colebrookdale, Maxatawney, and Greenwich townships, to the election of county treasurer, to the dividends of the Reading Gas Company, and to the boundaries of the township of Oley, in the county of Berks, and to incorporate the Odd Fellows' Hall Association of New London, Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, all bridges heretofore erected by the county of Berks, except the toll bridges in the said county, which are situated upon any turnpike road and used by the companies owning such turnpike roads, shall be kept in repair by the turnpike companies upon whose roads such bridges are built and used.

Bridges in Berks county.

State and county taxes in the township of Colebrookdale, Berks county.

SECTION 2. That from and after the next assessment of taxes, the collection of State and county taxes in the township of Colebrookdale, Berks county, shall be given to the lowest bidder for the same—proposals to be presented to the commissioners of said county at least three weeks prior to the giving out of said collection of taxes; and the difference between the compensation now allowed by law for the collection of such taxes, and the bids obtained under the provisions of this act, shall be applied to the repair of the roads of said Colebrookdale township in the same manner that other moneys are now applied by law to the same purpose.

Relative to election of county Treasurers in Berks county.

SECTION 3. That so much of the third section of the act approved the twenty-seventh of May, one thousand eight hundred and forty-one, as renders county treasurers ineligible to re-election, be, and the same is hereby repealed, so far as regards the county of Berks; and that from and after the passage of this act it shall be lawful for the county treasurer of Berks county to be elected for two terms in any term of six years, and no more.

Reading Gas Company.

SECTION 4. That so much of the ninth section of the act entitled "An Act to incorporate the Reading Gas Company," passed the eighth day of February, one thousand eight hundred and forty-eight, as provides that the managers shall declare dividends when advisable on the first Monday's in June and December, be, and the same is hereby repealed; and in lieu thereof, the said managers shall declare dividends as provided in the act aforesaid, on the second Monday's of January and July in each year.

SECTION 5. That so much of the township of Ruscomb Manor, in the county of Berks, as lies within the following lines, viz.: Beginning at a corner on the Oley line, at or near the hill range; thence southwardly along said line, say two hundred and forty perches, to the Alsace township corner; thence along the line of said Alsace township northwardly about two hundred perches, to, at, or near Daniel Moyer's building in said Alsace township; and thence in a direct line to the place of beginning, containing about three hundred and fifty acres, more or less, be, and the same hereby is attached to and made a part of

the township of Oley, in the said county of Berks, for school and all other purposes.

SECTION 6. That from and after the next assessment of taxes, the collection of state and county taxes in the townships of Maxatawny and Greenwich, in Berks county, shall be given to the lowest bidder for the same; proposals to be presented to the commissioners of said county at least three weeks prior to the giving out of said collection of taxes; and the difference between the compensation now allowed by law for the collection of such taxes, and the bids obtained under the provisions of this section shall be paid into the common school fund, for the purpose of education in said townships: *Provided*, That the said collectors shall severally give good and sufficient security to said commissioners for the true performance of their duty in the collection of said taxes.

Relative to the collection of taxes in Maxatawny and Greenwich townships, Berks county.

SECTION 7. That William Wheeler and others, members of the Odd Fellows' Lodge at New London, in the county of Chester, and their successors, and all persons who hereafter may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of New London, in the county of Chester,"

Corporators.

Style.

and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity or elsewhere, and shall be able and capable in law and in equity to take and to hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of the said association any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same; and the same at their pleasure to grant, bargain and sell, lease or mortgage, for the use or benefit of the said association; and generally to do all and singular the matters and things which shall be lawful for them to do, for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall be at any time possessed of, shall not exceed the clear yearly value of three thousand dollars.

Privileges.

SECTION 8. That the object of the said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the township of New London and county of Chester, for the accommodation of such associations or societies, and for such other purposes as they shall deem proper.

Object.

SECTION 9. That it shall and may be lawful for said incorporation to have a common seal, and the same at their will and pleasure to change, alter, and renew as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the incorporation hereby constituted, and as herein expressed.

Seal.

SECTION 10. That the government of the Odd Fellows' Hall Association of New London, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually at such time and in such manner as the said association shall by its by-laws provide. At the first meeting of the trustees after their election in each year, they shall choose from their body a president, secretary, and treasurer.

Trustees

SECTION 11. That the corporation hereby created shall have leave and authority to make by-laws conformable to the charter, and not in violation of the laws of the United States or of this Commonwealth.

By-laws.

SECTION 12. That the Legislature reserves the right to alter, revoke, Reservation.

or annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the corporators thereof.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 177.

AN ACT

To incorporate the Millerstown, Andersonburg, and New Germantown Plank Road Company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Samuel Black, Robert Elliot, Isaac Kinter, Wm. B. Anderson, Thomas Boal, Andrew Shuman, W. Blair, Jas. Milligan, Samuel Ligget, Simon Kell, James Irvin, Jacob Shuman, Kirk Haines, T. P. Cochran, Jacob Bixler, W. I. Jones, G. W. Parsons, William Rice, Solomon Bower, and George Black, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Millerstown, Andersonburg, and New Germantown Plank Road Company," with power to construct a plank road or other artificial roads, commencing at the west end of Millers-town bridge, at Millerstown, in Perry county; thence up Raccoon Valley to Icksburg, Andersonburg, and Germantown, in Sherman's Valley, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said first mentioned act relating to tolls which discriminate in favor of wheels of greater width than four inches; and the company hereby incorporated, shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to width of wheels in any case.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. That the stock of said company shall consist of eight hundred shares, of twenty-five dollars each: *Provided*, That said company may at any time, by a vote of the stockholders at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of said road within six years, and complete the same within twelve years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 178.

AN ACT

Relating to the Wellsboro' and Mansfield Plank Road Company, and relative to county bridges in the county of Tioga.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Wellsboro' and Mansfield Plank Road Company are hereby authorized to commence the construction of their road at any point between Wellsboro' and the State line at Shepherd's corner by their route by way of Mansfield and Rutland, and when three or more miles thereof shall have been completed to erect a toll gate or gates as provided in an act entitled "An Act for the regulation of turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto:" *Provided, That said company may regulate the tolls thereon without regard to the width of the wheels in any case.*

Commence-
ment of road.

SECTION 2. That from and after the passage of this act, it shall be the duty of the road commissioners of those townships in which a county bridge is or hereafter may be located in the county of Tioga, and they are hereby required to do or cause to be done all embankments and repairing necessary to make said bridge or bridges accessible to public travel, and preserve the abutments thereof, and cause the expense of the same to be paid out of the road fund of said townships.

Duty of road
commissioners
in Tioga county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 179.

A N A C T

For the relief of Hiram Cleaver and Jesse Hiselman, of Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby required to examine the claim of Hiram Cleaver and Jesse Hiselman, of Delaware county, for damages sustained by the burning of a barn by sparks from a locomotive on the Philadelphia and Columbia railroad, and report the facts together with the amount of damage if any to the Legislature.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 180.

A N A C T

To incorporate the Butler Cemetery Association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

William White, Loyal Young, Isaiah Niblock, William A. Fetter, Charles C. Sullivan, William Beatty, Samuel A. Purviance, John Bredin, George W. Smith, William Campbell, William S. Boyd, Dunlap McLaughlin, William Timblin, James Campbell, George W. Reed, Robert Carnahan, David Walker, Henry C. De Woef, James T. M'Junkin, Andrew Carns, Samuel M. Lane, John Gilchrist, John Negley, Jacob Mechling, junior, John L. Maxwell, James Mitchell, John Graham, William B. Lemmon, and their successors, be, and they are hereby created a body politic and corporate in law, by the name, style, and title, of the "Butler Cemetery Association," and by that name shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same

Corporators.

Style.

Privileges.

at their pleasure to alter and renew, and shall have power to purchase, have, hold, and enjoy to them and their successors, any piece or parcel of land not exceeding twenty acres, for the purpose of establishing a cemetery at or near the borough of Butler; and said corporation shall have power to receive gifts or bequests, for the purpose of ornamenting and improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act.

SECTION 2. That the affairs of said corporation shall be conducted by a president and six managers, who shall be elected by a majority of the votes of the members of the corporation on the first Monday of July in each and every year; and in case no election shall be held at the time aforesaid, the officers of the preceding year shall continue in office until an election shall be held. The said president and managers shall fill any vacancies which may occur in their own body by selecting a lotholder to supply such vacancy occurring by resignation, removal, death, or otherwise, and shall have power to lay out and ornament the ground purchased for said cemetery to erect such buildings thereon as may be necessary for the enjoyment of the same, to lay out, sell, and dispose of burial lots, to appoint all necessary officers and fix their several duties and compensation, and to make such by-laws, rules, and regulations as they may deem proper for conducting the affairs of the corporation, for the government of the lotholders and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

SECTION 3. That every lot conveyed in said cemetery shall be held by the proprietor for the purpose of sepulchre alone, transferable with the consent of the president and managers, and shall not be subject to attachment or execution, and shall forever be exempt from taxation, except for State purposes: *Provided*, That the said exemption from attachment and execution shall not extend to more than four lots of the size originally laid out, held by any one individual.

Lots not subject to attachment, &c.

SECTION 4. That as soon as the money received for the sale of lots in said cemetery shall be sufficient to pay the purchase money expended for the land intended to be used for said cemetery with interest, and the expenses with the interest thereon that shall be incurred in laying out, enclosing, and improving the ground and erecting the necessary buildings and other necessary expenses, then each lotholder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote and no more: *Provided*, That all the moneys raised thereafter from the sale of lots shall be expended in improving and ornamenting said cemetery.

Income to be laid out in improving grounds, &c.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 181.

AN ACT

To incorporate the Monongahela Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Larimer, junior, Hugh D. King, W. W. Dallas, and R. H. Kerr, of the county of Allegheny, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Monongahela Mining Company," for the purpose of mining of coal, and for the transacting the usual business of companies engaged in the mining, transporting to market, and selling of coal and the other products of coal mines; and the said corporation by the said name is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of the United States and of this Commonwealth, and generally to do and execute for the well-being of the said company whatever shall lawfully pertain to such bodies politic: *Provided, That* nothing herein contained shall be considered as in any way giving to said company banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided, That* each stockholder shall be liable in his individual capacity for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholders, so that the subscribed stock of the said company, whether paid in or not, shall be liable for said debts and contracts.

SECTION 2. The said company shall have the right to hold either by purchase or lease, not exceeding five hundred acres of land at any one time, upon and near the Monongahela slack water, in the county of Allegheny, in the Commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of as the interest of the company may require: *Provided, That* the said company may hold as above such lot or lots of land not exceeding ten acres in any one place as may be found convenient as places of deposit in the transportation and sale of the products of their mines.

SECTION 3. The capital stock of said company shall not exceed one hundred thousand dollars, in one thousand shares of one hundred dollars each, which capital shall only be employed in the purchasing and holding the lands aforesaid, with the improvements, buildings, railroad cars, boats, engines, and machinery, as may be necessary or useful for the mining, transporting, and sale of coal, and in payment of such salaries, wages, and other expenditures, as shall be assignable and transferrable according to such rules as the board of directors shall establish: *Provided, That* said company shall pay to the State treasurer, for the use of the Commonwealth, a tax of one per centum on its capital stock, to be paid in instalments of one hundred dollars; the first to become due and payable on the first day of July, one thousand eight

hundred and fifty-one, and the remaining instalments at intervals of twelve months each.

SECTION 4. When the above-named William Larimer, junior, Hugh D. King, W. W. Dallas, and R. H. Kerr, shall have procured the subscription of twenty-five thousand dollars into the hands of such persons as they may designate, for the benefit of said company, the governor on due evidence thereof, shall by letters patent, under his hand and the seal of the State, create and erect the said William Larimer, junior, H. D. King, W. W. Dallas, and R. H. Kerr, their associates, successors, and assigns, into one body corporate, by the name, style, and title, of "The Monongahela Mining Company."

Letters patent.

SECTION 5. The affairs of the company shall be managed by five directors to be chosen annually from the stockholders; the first election shall be held in the city of Pittsburg, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by the incorporators named in the first section of this act at least two weeks previously thereto, in two or more daily newspapers printed in the city of Pittsburg; and subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which thirty days' previous notice in like manner shall be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office until such election shall be held: and it shall be lawful on any other day as soon as may be, to hold the same in such manner as may be regulated by the by-laws and ordinances of the said corporation: *And provided further*, In case of death, resignation, or removal from the State of any president, manager, treasurer, or other officer, his place shall be filled by the board of managers until the next annual election.

Management of affairs.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder in the proportion following: that is to say, that for each share and not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares one vote; for every five above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote. No share shall confer a right of voting which shall be transferred within three calendar months prior to the day of election; or unless it be bona fide held or owned by the person in whose name it appears in his own right or that of his wife, or for his or her sole use and benefit; or as executor or administrator, trustee, or guardian; or in the right or for the use and benefit of some co-partnership society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act of the twenty-eighth of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

Mode of conducting elections.

SECTION 7. That the provisions contained in sections seven, eight, nine, ten, eleven, twelve, and thirteen, of an act entitled "An Act to incorporate the Charters' Coal Company, in the county of Allegheny," approved the third day of March, one thousand eight hundred and forty-nine, be, and the same is hereby extended to the Monongahela Mining Company.

Provisions of certain act extended to this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

We do certify, that the bill entitled "An Act to incorporate the Monongahela Mining Company," was presented to the Governor on the thirteenth day of March, one thousand eight hundred and fifty-one, and was not returned within ten days, Sundays excepted, after it had been presented to him; wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

SAMUEL W. PEARSON,
Clerk of the Senate.

WILLIAM JACK,
Clerk of the House of Representatives.

Harrisburg, March twenty-sixth, A. D., one thousand eight hundred and fifty-one.

No. 182.

AN ACT

To authorize Jonathan W. Swain, the guardian of Anna Maria Angue, a minor and only child of Albert D. Angue, deceased, to sell or let on ground rent certain parts of her real estate, confirming certain sales of unimproved lots of Adelaide Goodwin, a minor, and authorizing the sale of the residue thereof, to authorize the sale of certain real estate, late of John Linnerd, deceased, directing the paving of Gray's Ferry road in the district of Moyamensing (from the junction of Federal street and the Gray's Ferry road to the Gray's Ferry bridge), relative to paving and laying water pipes in the district of Kensington, and to authorize Moses Hyneman, guardian of Elias and Samuel Hyneman, minor children of Benjamin Hyneman, deceased, to sell and confirm the title of certain real estate.

Guardian of
Anna Maria
Angue author-
ized to sell real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan W. Swain, the guardian of Anna Maria Angue, minor, and only child of Albert D. Angue, late of the city of Philadelphia, deceased, or such other person as shall hereafter be appointed guardian of the said Anna Maria Angue, be, and he is hereby authorized and empowered to sell and dispose of, either at public or private sale, all the estate, right, title, interest, property, claim, and demand whatsoever, of her the said Anna Maria Angue, at law, in equity, or otherwise howsoever, of, in, and to all that certain lot or piece of ground situate at the south-west corner of Spruce street and Schuylkill Sixth street, in the city of Philadelphia, in the State of Pennsylvania, containing in front or breadth on the said Spruce street ninety-two feet, and extending of that width in length or depth southward along the west side of the said Schuylkill Sixth street, two hundred and thirty-six feet six inches to the middle of Cox street, bounded northward by the said Spruce street, eastward by the said Schuylkill Sixth street, southward by the middle of the said Cox street, and westward by ground devised by John Angue, Jr., to his executors in trust for his daughter Margaretta L.

Wilson, together with all and singular the appurtenances whatsoever thereunto belonging, whereof the said Albert D. Angue, inter alia, died, seised and possessed intestate, leaving him surviving a widow, Sophia B. Angue, and only one child, the said Anna Maria Angue, to whom the said premises inter alia descended and vested in fee by virtue of the intestate laws of Pennsylvania, subject to the dower or thirds of her mother, the said Sophia B. Angue therein, and to grant and convey the same unto the purchaser or purchasers thereof, his heir or their heirs and assigns, in fee simple, absolutely or reserving thereout a perpetual rent charge thereon, subject to extinguishment on the payment of a certain sum or sums of money at a certain time or times as he may see fit, and to make, execute, acknowledge, and deliver to the said purchaser or purchasers good and sufficient deed or deeds, conveyances, and assurances in the law for the same; and in case of redemption, to make, execute, acknowledge, and deliver such good and sufficient deed or deeds, conveyances, and assurances in the law, as may be necessary to extinguish and release the property so conveyed from the charge of such rent, which shall be deemed and taken to, and convey all the said estate, right, title, interest, property, claim, and demand whatsoever of her the said Anna Maria Angue, at law, in equity, or otherwise howsoever, of, in, and to the same, and to have the like and same effect as if the said Anna Maria Angue were of full age, and the same was or were duly made and executed by her: *Provided*, That before any deed of conveyance shall be executed for the same, the sale or sales hereby authorized shall have been reported to and approved by the Orphans' Court for the county of Philadelphia, and the said guardian shall give a bond in such sum and with such surety as the court shall order and direct, for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

SECTION 2. That the sales heretofore made by William Goodwin, guardian of the person and estate of Adelaide Goodwin, the minor daughter of Anna Maria Goodwin, late of the district of Northern Liberties, in the county of Philadelphia, deceased, of certain unimproved and unproductive lots of ground situated on Brown, Tenth, Gilbert, and Palm streets, in the district of Spring Garden, and county of Philadelphia, by order and with the approval of the Orphans' Court of Philadelphia county, be, and the same are hereby confirmed, agreeably to the terms mentioned in the several deeds conveying the said lots. Certain sales of the real estate of Adelaide Goodwin, confirmed.

SECTION 3. That the said William Goodwin, guardian as aforesaid, may from time to time let on ground rent, or sell at private or public sale, reserving and securing the purchase money on the premises, so that the interest thereof shall be received and invested for the benefit of the said minor by her said guardian during her minority, and that the principal shall become due and payable to the said Adelaide Goodwin, her heirs and assigns, after she shall have arrived at full age, any part of the unimproved real estate of the said minor which it shall be deemed advantageous to her interest so to dispose of: *Provided*, That before any such conveyance shall be valid, permission to make such sale shall be granted, and the terms and conditions approved by the Orphans' Court of the county of Philadelphia. Further powers of William Goodwin.

SECTION 4. That M. Brown, trustee under, and administrator with the will annexed of John Martin Hartley, late of Philadelphia, deceased, be, and he is hereby authorized to sell at public or private sale, and convey to the purchasers in fee simple, discharged of all trusts, any of the unsold real estate divided by said will: *Provided*, That the purchase money shall be paid to the parties entitled to an interest in said estate under said will or subsequent grant, or to their legally-con- Administrator of John Martin Hartley, deceased, authorized to sell real estate.

stituted guardians or trustees: *And provided also*, That as to any share under a continuing trust by said will, security be given in and approved by the Orphans' Court of Philadelphia county, for the faithful accounting therefor to the parties who may be entitled under said will where said trust shall cease, and for the income in the meantime according to such trust: *And provided further*, That said court shall approve of such sale or sales.

Repeal.

SECTION 5. That the fourth section of an act entitled "An Act authorizing the sale of certain real estate, late of John Linnerd, deceased, of Sarah Thomas, Catharine Bollar, and John Martin Hartley," approved the fourth day of March, one thousand eight hundred and fifty-one, be, and the same is hereby repealed.

Gray's Ferry road.

SECTION 6. That the Board of Commissioners of the district of Moyamensing shall proceed without delay to regulate, curb, and pave the Gray's Ferry road in said district, from the junction of Federal street and the Gray's Ferry road to the abutment of the Gray's Ferry bridge, and to charge the expense of curbing and paving to the owners of property fronting thereon, in proportion to the actual front owned by each; the said Commissioners shall have power to file their lien on the property for the amount due by each owner, by reason of the said curbing and paving, in like manner as liens for curbing and paving are now filed, and shall have and possess all such legal rights and remedies for the recovery thereof as they now have and possess for the recovery of claims for curbing and paving,—the expense of regulating and grading of the side-walks and the main street to be borne by the district of Moyamensing; all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

SECTION 7. That the Commissioners of the district of Kensington, in the county of Philadelphia, are hereby authorized and empowered to pave any of the streets, lanes, or alleys of the said district, and to lay iron pipes for the introduction of water in any of the streets, lanes, or alleys thereof, whenever they shall deem the same necessary, and to charge the cost of said paving and of said water pipes, together with the cost of laying the same, to the owners of property fronting on said streets, lanes, or alleys, in the manner now provided by law, and shall have and possess all the remedies now provided or to be hereafter given for the enforcement and collection of said charges.

Moses Hyneman, guardian, authorized to sell certain real estate.

SECTION 8. That Moses Hyneman, guardian of Elias Hyneman and Samuel Hyneman, minor children of Benjamin Hyneman, deceased, shall have power and authority to sell, assign, and release all the remaining interest of the said minors, in two tracts of land situated in Centre county, containing each four hundred and thirty-three acres and one hundred and fifty-three perches, to Isaac Hinton, James Marshall, and William Beehtol, their heirs, for a price not less than one hundred dollars, which sum the said guardian shall receive and hold as and for a part of the estate of his wards.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

We do certify that the bill entitled "An Act to authorize Jonathan W. Swain, the guardian of Anna Maria Angue, a minor and only child of Albert D. Angue, deceased, to sell or let on ground rent certain parts of her real estate, confirming certain sales of unimproved lots of Adelaide Goodwin, a minor, and authorizing the sale of the residue thereof, to authorize the sale of certain real estate, late of John Lin-

nerd, deceased, directing the paving of Gray's Ferry road, in the district of Moyamensing (from the junction of Federal street and the Gray's Ferry road to the Gray's Ferry bridge), relative to paving and laying water pipes in the district of Kensington, and to authorize Moses Hyneman, guardian of Elias and Samuel Hyneman, minor children of Benjamin Hyneman, deceased, to sell and confirm the title of certain real estate," was presented to the Governor on the thirteenth day of March, one thousand eight hundred and fifty-one, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

SAMUEL W. PEARSON,
Clerk of the Senate.

Harrisburg, March twenty-sixth, A. D., one thousand eight hundred and fifty-one.

No. 183.

AN ACT

To incorporate the Penningtonville and Oxford Plank Road Company, to authorize the Canal Commissioners to examine the barn of John Scott, relative to licenses in Chester and Delaware counties, and to a tavern license in Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan Booth, William Hasslam, William McCullough, Alexander Commissioners. Hodgson, Ezra Grey, Oliver Allison, Nathan Linton, Alexander Holton, David Hayes, junior, Dr. E. V. Dickey, William Rutherford, Samuel J. Dickey, Jacob Hillaman, and Amos Pugh, all of Chester county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Penningtonville and Oxford Plank Road Company," Style. with power to construct a plank road from Penningtonville, on the Pennsylvania railroad, through Cochranville and Oxford, all in Chester Location. county, to the Maryland line in the direction of North East in Maryland, by the nearest and best route or routes as the stockholders or directors may determine upon, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," passed Subject to provisions of certain act. the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

SECTION 2. That the capital stock of said company shall consist of Capital stock. fifteen hundred shares, at twenty-five dollars per share: *Provided,* That the company may from time to time by a vote of the stockholders,

at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads, and to carry out the true intent and meaning of this act.

**Commence-
ment and com-
pletion of road.** SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this charter, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

**Relative to the
barn of John
Scott, of Ches-
ter county.** SECTION 4. That the Canal Commissioners be, and they are hereby authorized and required to examine the situation and condition of the barn of John Scott, situate in Coatsville, Chester county—said barn being alleged to be so near the Philadelphia and Columbia railroad as to render it almost impossible to escape conflagration from the sparks emitted by the locomotives in use upon said road; and if in their opinion there is danger of the said barn being destroyed, or liable to injury by fire from the locomotives running upon said railroad, and if they shall deem it expedient for the interest of the Commonwealth, they shall cause the said barn to be removed to such a situation more remote from the said railroad, as will secure it from danger of being burned by locomotives, or pay the proprietors thereof such sum or sums as in their judgment will be adequate compensation to them for removing, rebuilding, or securing said barn, or adopt such measures as in their opinion will promote the interest of the Commonwealth and protect the property of the individual. The money that may be requisite for carrying the provisions of this act into force and effect, shall be paid out of the damage fund.

**Relative to li-
censes in Ches-
ter county.** SECTION 5. That the true intent and meaning of the second section of the act of Assembly, approved the twenty-fifth day of February, one thousand eight hundred and fifty-one, entitled "A Supplement to an act entitled 'An Act relating to inns, taverns, and retailers of vinous and spirituous liquors,'" passed the eleventh day of March, in the year of our Lord one thousand eight hundred and thirty-four, is hereby declared to be that the boards of licensers in the county of Chester created by said act, shall have all the powers, duty, and authority now belonging to and exercised by the Court of Quarter Sessions of said county, for the granting and revoking of licenses to inns, taverns, and all other houses of public entertainment; anything in any act of Assembly of this Commonwealth to the contrary notwithstanding.

**Board of li-
censes.** SECTION 6. That any powers hereafter granted to or exercised by the county treasurer of said county to grant licenses to store-keepers or others to sell vinous, spirituous, or other intoxicating drinks, is hereby vested in the boards of licensers aforesaid: *Provided*, That the money required to be paid for licenses under the provisions of this act shall be paid to the county treasurer as heretofore.

Duties. SECTION 7. That it shall be the duty of the boards of licensers of the several boroughs and townships of said county respectively, to keep a fair record of their proceedings, a copy of which they shall certify and deposit with the clerk of the Court of Quarter Sessions of said county, and shall also file in his office all the petitions and documents which shall be laid before them relating to the granting and revoking of licenses for the keeping of inns, taverns, and other houses of public entertainment, and for the sale of vinous or spirituous liquors or other intoxicating drinks within twenty days after their final action on the same; and the said petitions and documents shall be evidence in all legal questions that may arise concerning the grant or revocation of such licenses.

SECTION 8. That the treasurer of Delaware county shall not grant Licenses in Delaware county. any license under the twenty-first and twenty-second sections of the act of April tenth, one thousand eight hundred and forty-nine, entitled "An Act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," unless the application to him shall be accompanied by the certificate of one of the judges of the Court of Quarter Sessions of said county, setting forth that they approve the granting such license.

SECTION 9. That the Court of Quarter Sessions of Blair county is hereby authorized and empowered to hear and determine the application of George Potts, of Blair county, for a tavern license in said county, as fully and effectually as though notice had been previously given by publication in pursuance of the first section of an act relating to tavern licenses, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and forty-one. Relative to the
tavern license
of Geo. Potts,
of Blair county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 184.

AN ACT

To incorporate the Wattsburg and State Line Plank Road Company, to change the name of Wirtz McMicken Johnson to Wirtz McMicken, relative to the estates of Jane Morehead, of Indiana county, a lunatic, and of John Stewart Riddle, deceased, to authorize John F. Means and Simon Stevens to establish a ferry over the Susquehanna river, in Bradford county, and to authorize Alvin H. Parker, trustee, to sell certain real estate in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Sanborn, Azro Elliott, James Moore, B. F. Town, Lyman Robinson, Heman James, J. T. Ensworth, and A. W. Reed, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Wattsburg and State Line Plank Road Company," with power to construct a plank road from a point on the New York State line near the house of J. B. Foote, in Venango township, Erie county, to the west end of North street, in the borough of Wattsburg, by the nearest and best route, as the stockholders may determine upon, subject to all the provisions and restrictions of "an act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand Commissioners.

Style.
Location.

Subject to provisions of certain act.

eight hundred and forty-nine, and the several supplements thereto, except that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the breadth of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of two hundred and fifty shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

Commence-
ment and com-
pletion of road.

SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Name of Wirtz
McMiken John-
son changed.

SECTION 4. That the name of Wirtz McMicken Johnson, of the city of Philadelphia, be, and it is hereby changed to that of Wirtz McMicken, and that he shall henceforth be called and be known by the name of "Wirtz McMicken," and by that name he shall sue and be sued, grant, take, have, and inherit any estate, real or personal, and do all other legal act or acts as effectually, to all intents and purposes, as he could have done by his former name—as if no change had been made therein by virtue of this act.

Certain powers
granted to the
committee of
Jane Moorhead
of Indiana
county, a luna-
tic.

SECTION 5. That the committee of Jane Moorhead, of the county of Indiana, a lunatic, be, and he is hereby authorized and empowered to release and discharge the land of Robert McLanahan, situated in White township, in said county, from the now existing lien and charge upon the same, for the maintenance of the said Jane Moorhead: *Provided*, That before any such release be executed, the maintenance of the said lunatic shall have been charged upon other real estate in said county, of a value clearly sufficient for that purpose: *And provided further*, That no proceedings had under this section shall be deemed valid unless approved of by the Court of Common Pleas of said county.

Guardian of the
minor child of
John S. Riddle,
authorized to
sell certain real
estate.

SECTION 6. That the guardian or guardians of the minor child of John S. Riddle, deceased, are hereby authorized and empowered to sell, by public or private sale, the real estate late of the said John Stewart Riddle, deceased, within this Commonwealth, in lots and tracts as to the said guardian or guardians shall seem best, and upon the approval of such sale or sales by the Orphans' Court of Crawford county, to make title thereof to the purchaser or purchasers for such interest and estate as the said minor child hath therein: *Provided*, That before such sale or sales the guardian or guardians shall file in the office of the clerk of the Orphans' Court of the county of Crawford aforesaid, a bond with sufficient security to be approved of by the said court, conditioned for the faithful appropriation of the proceeds of such sale or sales for the use of the said minor child: *And provided further*, That the said court shall approve of and confirm said sale or sales.

Acting adminis-
trators of John
Stewart Riddle
authorized to
execute deeds,
&c.

SECTION 7. That the acting administrator or administrators, or either, of the said John Stewart Riddle, are hereby authorized and empowered to execute and deliver all such deeds and conveyances as may be necessary for the purpose of fulfilling all such contracts for the sale of any bonds as may have been entered into by him in his lifetime with any person or persons whatsoever, and upon the approval of and acknowledgment in said Orphans' Court of the county of Crawford aforesaid, before the judges thereof, of all such deeds, they shall have the same

force and effect as if an order had been made by the Orphans' Court authorizing and directing the same; and further, the said administrator or administrators are hereby authorized and empowered to redeem any portion of the real estate aforesaid, late of the said John Stewart Riddle, deceased, which has been or may be sold for taxes within this Commonwealth, the time for the redemption of which shall not have expired under the existing laws relative to such sales for taxes, and may from time to time pay or cause to be paid all such taxes as have been or may be legally assessed upon such real estate aforesaid, and for all moneys so as aforesaid disbursed shall be entitled to charge and receive a credit therefor in the settlement of their administration account.

SECTION 8. That the treasurer of the county of Crawford is hereby authorized and required to execute and deliver to said administrator or administrators, or either of them, deeds of conveyance in trust and for the use of the said minor child of the said John Stewart Riddle, deceased, for all such land as may have been purchased by him at the late tax sales in and for said county upon which the purchase money, or so much as is required by law, has been paid into the treasury of said county, upon the execution and delivery by said administrator or administrators, or either of them, of surplus bonds conditioned and in the form required by the existing laws of this Commonwealth relative to sales for taxes of unseated lands, which said bonds shall have no other or greater effect than if they had been executed and delivered by the said John Stewart Riddle in his lifetime; and the said lands shall be held in trust and for the use of the said minor child, and subject to the dispositions and provisions of the sixth section of this act.

SECTION 9. That John F. Means and Simon Stevens, their heirs and assigns, shall have the right and privilege, at their own expense, to make good and convenient landings on the east and west side of the Susquehanna river, at and opposite a place called Bennett's Eddy, in Darrell township, Bradford county, and to use the river between the said landings as a public ferry.

SECTION 10. That the said John F. Means and Simon Stevens, their heirs and assigns, shall keep the said landings and ferry in good order and repair, fit for the transportation and passage of travellers, teams, and carriages of all description; and shall keep good and substantial boats and other crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of carrying passengers, teams, and carriages across said river with all reasonable diligence and care.

SECTION 11. That the said John F. Means and Simon Stevens, their heirs and assigns, as a remuneration for keeping up and in good repair the said landings and ferry as aforesaid, shall receive such tolls for carrying persons, teams, carriages, horses and other animals, as may be prescribed by the Court of Quarter Sessions of Bradford county, or as are received by other ferries of like import crossing the said river, and to extend a rope or wire across the river if they may deem it advisable to facilitate crossing: *Provided*, That the rope or wire shall not be so extended as to interfere with or obstruct the ascending or descending navigation of said river; and that nothing in this act contained shall be so construed as to receive or discharge any travellers, cattle, or carriages as aforesaid, on land belonging to any other person or persons without the consent of the owner or owners thereof, or to prevent any future Legislature from resuming the privileges hereby granted.

SECTION 12. That if any person or persons shall wilfully pull down, cut, or break, or in any way injure or destroy any ropes, wire, or boats,

Treasurer of
Crawford coun-
ty authorized to
execute deeds
in trust, &c.

John F. Means
and Simon Ste-
vens authorized
to establish a
ferry.

Landings and
ferry to be kept
in good repair,
&c.

Tolls.

Penalty for in-
juries.

or other property belonging to the said ferry, he, she, or they so offending, shall each of them forfeit and pay to the said J. F. Means and Simon Stevens, their heirs and assigns, the sum of twenty dollars, in addition to all damages sustained by the said J. F. Means and Simon Stevens, their heirs and assigns, to be recovered as debts of like amount are by law recoverable.

Trustee of
Elizabeth Mer-
cer, Martha
Mercer, and
Jane Dalzell
Parker, author-
ized to sell cer-
tain real estate.

SECTION 13. That Alvin H. Parker, trustee of the estate of Elizabeth Mercer wife of Robert Mercer, Martha Mercer, and Jane Dalzell Parker, be, and he is hereby authorized and empowered to grant, bargain, sell, and convey unto Julius Fink, of the city of Philadelphia, in the State of Pennsylvania, warm-air furnace and cooking-range manufacturer, and unto his heirs and assigns, all the estate, right, title, interest, property, claim, and demand whatsoever, of them the said Elizabeth Mercer, Martha Mercer, and Jane Dalzell Parker, either at law or in equity, or otherwise howsoever, of and in all that certain lot, strip, or piece of ground, situate on the east side of Juniper street, between Chestnut and Diamond streets, in the city of Philadelphia, beginning at the distance of ninety-six feet eight inches southward from the south side of said Chestnut street, containing in front or breadth on said Juniper street three feet four inches, more or less, and extending in length or depth eastward forty feet; bounded on the north partly by other ground of the said Julius Fink, and on the west by Juniper street aforesaid, together with all and singular the appurtenances whatsoever thereunto belonging; and to make, execute, acknowledge, and deliver to the said Julius Fink, his heirs and assigns, a good and sufficient deed, conveyance, and assurance in the law for the same.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 184.

A SUPPLEMENT

To an act entitled "An Act for the relief of Barbara Patrick, widow of Robert Patrick, a soldier of the revolutionary war, and to incorporate the Conemaugh and Indiana Plank Road Company, and for other purposes," approved the sixth day of May, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the president and managers of the said Conemaugh and Indiana Plank Road Company be, and they are hereby authorized to extend the said road from its present terminus on the right bank of the Conemaugh river, in the county of Indiana, across the said river as far as may be necessary to connect the said road with the Pennsylvania railroad in the county of Westmoreland; and they are hereby further authorized and empowered to erect and construct a bridge across the said river at the place where the said road may cross the same: *Provided*, That the said bridge shall not be within a distance of three miles by the course of said river from any other bridge over the same, which has been erected by any company incorporated by the laws of this Commonwealth

Conemaugh and Indiana Plank Road Company authorized to extend their road and erect a bridge.

SECTION 2. That the said president and managers shall have the same power and authority to enter upon land and take materials necessary for the construction of the said bridge as has been granted to them for the purpose of making the said road, and subject to the same limitations and restrictions.

Powers.

SECTION 3. That when the said bridge is completed as aforesaid, the property in the same and its appurtenances shall be vested in the said Conemaugh and Indiana Plank Road Company and their successors forever; and it shall and may be lawful for the said company and their successors to erect a gate or gates, and such buildings as they may deem necessary for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the rates prescribed and fixed in an act of the General Assembly entitled "An Act to authorize the Governor to incorporate a company to erect a bridge over the Conemaugh river at or near Centreville, in the county of Indiana, and for other purposes," approved the twenty-seventh day of February, one thousand eight hundred and thirty-eight: *Provided*, That all persons who are or shall be exempt by law from payment of toll on the said plank road shall not be subject to toll for passing over the said bridge.

Said bridge to vest in said plank road company.

SECTION 4. That the several penalties prescribed in the aforementioned act of Assembly to incorporate a company to erect a bridge at or near Centreville, for persons crossing said bridge with a horse or other animal faster than a walk, and for any gate-keeper of said company demanding and collecting excessive toll for passing said bridge, and the manner and form of recovering the same, shall exist and apply in full force to the bridge authorized to be erected by this act.

Penalties.

SECTION 5. That the provisions of the thirteenth and fourteenth sections of an act of Assembly entitled "An Act to incorporate a company to erect a bridge over the river Schuylkill at or near Phoenixville, in the county of Chester," approved the fifteenth day of March, one thousand eight hundred and forty-four, be, and the same are hereby extended and made to apply to the bridge authorized to be erected by this act.

Provisions of certain act extended to said company.

SECTION 6. That if the aforesaid Conemaugh and Indiana Plank Road Company shall not complete the construction of the said bridge within nine years from and after the sixth day of May, one thousand eight hundred and fifty-one, this act, so far as it relates to said bridge, shall become null and void.

Commencement and completion of bridge.

SECTION 7. That the commissioners of the county of Indiana be, and they are hereby authorized and required to appropriate all moneys accruing to said county from fines and forfeited recognizances within the term of two years from and after the passage of this act, to the purchase of stock in said company; and the said company shall have and enjoy all the rights and privileges of other stockholders in said company, to be exercised by and through the said commissioners.

Commissioners of Indiana county required to appropriate moneys to the purchase of stock in said company.

Burgess, &c.,
of the borough
of Indiana au-
thorized to bor-
row money, &c.

SECTION 8. That the burgess and town council of the borough of Indiana, in the county of Indiana, be, and they are hereby authorized to borrow any sum or sums of money on the credit of the said borough, not exceeding in the aggregate the sum of five thousand dollars, to be applied to the purchase of stock in the Conemaugh and Indiana Plank Road Company; and in addition to all other securities they are further authorized to sell or pledge the said stock for the redemption of said loan in such manner and at such time as they may deem most advantageous.

Supervisors of
the several
townships in
said county au-
thorized to sub-
scribe, &c.

SECTION 9. That the supervisors of public highways in the several townships in said county through which the said Conemaugh and Indiana plank road may pass, be, and they are hereby authorized in the name, on the behalf, and for the use of the citizens thereof respectively, to subscribe any number of shares not to exceed forty by each township, in the capital stock of said company: *Provided*, That a majority of the voters of each township shall determine by ballot in favor of subscribing to said stock, and that ten days' notice thereof shall first be given by the constables of each township, by at least six written or printed notices put up in the most public places in said townships.

Rights and pri-
vileges of said
townships, &c.

SECTION 10. That the said borough of Indiana, and the said townships respectively, shall, in subscribing stock as aforesaid, be entitled to all the rights and privileges belonging to other stockholders in said company, to be exercised through their respective offices aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 185.

AN ACT

To provide for the erection of a house for the support and employment of the poor in the county of Beaver.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Carothers, David Warnock, David Minnis, Milton Lawrance, Joseph Douthet, be, and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-two, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Beaver county; and it shall

be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein under their hands and seals to the clerk of the Court of Quarter Sessions of the county of Beaver, to be filed in his office, and at the next general election the qualified electors shall elect three reputable citizens of the said county to be directors of the poor and of the house of employment for the county of Beaver, and the judges of the election of said county shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their election, and the said directors shall meet at the court house in said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the second year, of the third at the expiration of the third year, so that those who shall be chosen after the first election and in the mode above described may serve for three years, and one-third may be chosen annually thereafter.

Election of directors.

SECTION 2. That every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation which any justice of the peace of said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county truly, faithfully, and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being as debts are or shall be by law recoverable.

Directors to take oath, &c.

SECTION 3. That the said directors shall forever hereafter in name and in fact be one body politic and corporate in law, to all intents and purposes whatever, relative to the poor of the county of Beaver, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style, and title, of "The Directors of the Poor and of the House of Employment for the county of Beaver," and by that name shall and may receive, take, and hold any lands, tenements, and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever of the gift, alienation, or bequest of any person or persons whatsoever, to purchase, take, and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use, and accommodation of the poor of said county, to provide all things necessary for the lodging, maintenance, and employment of said poor, to appoint a treasurer annually, who shall give bond with full and sufficient security for the faithful discharge of the duties of his office, and at the expiration thereof for the payment and delivery over to his successor in office of all moneys, bonds, notes, accounts, and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody, and possession, and said directors shall have power to employ, and at pleasure to remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively, to bind out apprentices, so

Incorporate.

Style.

Privileges.

that such apprenticeship may expire, if males, at or before the age of twenty-one, if females at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house, and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied, and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

Expenses.

Tax.

Further duties
of directors.

SECTION 4. That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings, and furnishing the same, and maintaining the poor in said county for one year; whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid; and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

SECTION 5. That it shall be the duty of the said directors on or before the first day of November in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year render an account of all moneys by them received and expended to the auditors elected to audit and settle the county accounts, subject to the same penalties and rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall at least once in every year lay before the Court of Quarter Sessions and grand jury of said county a list of the number, age, and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation, or calling; and shall at all times when thereto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interest, and moneys payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises, and bequests, as shall have been made by or to them: *Provided*, That no director shall sell or dispose of any article or articles to the said poor house during the time he shall serve as director thereof.

Notice to be
given to bring
the poor, &c.

SECTION 6. That as soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county, requiring them

forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness, or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall present the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECTION 7. That the said directors shall from time to time receive, provide for, and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Beaver, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Beaver, or to the overseers of the proper township in any other county of this Commonwealth; and the said directors are hereby authorized when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Beaver.

Directors authorized to provide for and employ poor persons, &c.

SECTION 8. That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules, and regulations as they shall think proper, convenient, and necessary for the direction, government, and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their recognizance: *Provided*, The same be not repugnant to this law, or any of the laws of this State or of the United States: *And provided further*, That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the time being of the county of Beaver, and shall have received the approbation of the same.

Quorum.

Ordinances.

SECTION 9. That the said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their legal settlement; and in case such poor persons shall refuse to take the oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors touching and relating to the said settlements, the said directors may withhold all further relief from such poor person or persons until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Power given to directors to administer oaths, &c.

SECTION 10. That a quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month and visit the apartments and see that the poor are comfortably supported, and hear all complaints and redress or

Monthly meeting of directors.

cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employ or otherwise.

Compensation. SECTION 11. That the said directors shall each of them receive for their services annually the sum of twenty-five dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancies. SECTION 12. That in case of any vacancy by death, resignation, or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Claims. SECTION 13. That all claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Beaver, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Office of Overseer of the Poor abolished. SECTION 14. That as soon as the poor of the county of Beaver shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Certain powers conferred on the Directors of the Poor. SECTION 15. That the powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the several townships within this Commonwealth to recover certain fines, penalties, and forfeitures, and for other purposes, are hereby conferred and imposed upon the directors of the poor in the said county of Beaver; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures, penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county shall be subject to all fines, penalties, and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Expenses to be paid by the commissioners of said county. SECTION 16. That the commissioners of said county are hereby authorized and empowered to pay to the persons appointed commissioners by the first section of this act, the expenses incurred by them in the performance of their duty, and also to pay the said directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars for any one year.

Repeal. SECTION 17. That so much of the laws of this Commonwealth relating to the poor as are by this act altered and supplied, be, and the same are hereby repealed, so far as they affect the county of Beaver.

Sheriff of said county to notify commissioners, &c. SECTION 18. That the sheriff of the county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

SECTION 19. That for the purpose of ascertaining the sense of the citizens of Beaver county as to the erection of a poor house in said county, it shall be the duty of each of the inspectors of the several townships and boroughs at the next general election to receive tickets, either written or printed, from the qualified voters thereof, labelled upon the outside "poor house," and on the inside "for a poor house" or "against a poor house;" and if it shall appear upon casting up the votes of the different districts at the court house on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of said votes are against a poor house, the foregoing act to be null and void.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 186.

AN ACT

For the relief of Bernard Kelly, of Blair county, to enlarge the limits of the borough of Shirleysburg, Huntingdon county, and relative to the guardians of the poor of Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be, and are hereby authorized and required to examine the claim of Bernard Kelly, of Blair county, and assess the damages, if any, sustained by said Bernard Kelly, by reason of the burning and destruction of the dwelling house, caused, made, and produced by fire from a locomotive engine on the Portage Railroad, and make report of the same to the next Legislature.

SECTION 2. That the qualified voters of the township of South Woodbury, in the county of Bedford, shall hereafter hold their general, special, and township elections at the house of Joseph B. Noble, in said township.

SECTION 3. That the lines of the borough of Shirleysburg, in the county of Huntingdon, be extended so as to embrace within the limits of said borough, and to be incorporated therein and taxed and governed as other lands in the said borough, the following parcels of ground now a part of the township of Shirley, to wit: Twelve acres of land on which are a grist-mill, plaster-mill, tenant houses, &c., belonging to Henry Brewster; also a house and five lots adjoining the northern end of said borough, situated on and bounded by the main street, and lay-

ing in a range with western section of said borough, owned by Benjamin Leas; also the unimproved lots lying in the same range with those last mentioned, and now owned by Davis G. Doyle, James S. McElheny, James B. Perguin, and George Leas, shall be included within and form a part of the corporate limits of said borough for all purposes whatsoever, and shall not be hereafter subject to taxation in said township.

Guardians of the Poor of Philadelphia county. SECTION 4. That from and after the passage of this act, the members of the board of guardians for the relief and employment of the poor of the city of Philadelphia, the districts of Southwark, and the townships of the Northern Liberties and Penn, representing the several incorporated districts, shall each respectively have the power of naming, appointing, and removing at pleasure the visitor of the poor, physicians, and apothecaries for the out-door poor for their respective districts.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 187.

AN ACT

To incorporate the Pennsylvania Academy at Sunbury, in Northumberland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That an Academy for the education of youth in useful arts, sciences, and literature, shall be established at Sunbury, in Northumberland county, by the name and style of "The Pennsylvania Academy."*

Trustees.

SECTION 2. That the first trustees of said Academy shall be William L. Dewart, Ira T. Clement, Edward Y. Bright, Benjamin Hendricks, Gideon Markel, and Charles, Pleasants, who and their successors, to be elected as hereinafter directed, shall be a body corporate and politic, by the name, style, and title, of "The Pennsylvania Academy," and by the same name shall have perpetual succession, and be able to sue and be sued, and shall be capable in law and equity to take, hold, and dispose of and for the use of said Academy, lands, tenements, moneys, goods and chattels of whatever kind, and to erect such public buildings as may be necessary, and generally to do all things for the well-being of said Academy which such corporations may rightfully do.

Style.

Privileges.

SECTION 3. That the said "The Pennsylvania Academy" shall *Seal.* have full power to use one common seal and to alter and renew the same at pleasure.

SECTION 4. That the said trustees shall hold their first meeting on the first Monday of June next after the passage of this act, and shall there divide themselves by lot into three equal classes: the seats of the first class shall be vacated upon the expiration of one year from that time, of the second class at the expiration of the second year from said date, and of the third class from the expiration of the third year from said date, so that one-third may be chosen annually. *Division of trustees into classes.*

SECTION 5. That said trustees and their successors, any four of whom shall constitute a quorum, shall by the style and title aforesaid have power to make and enact ordinances and by-laws for the government of said corporation, to appoint teachers and remove them, to regulate their times of meeting, and the mode of calling special meetings; to elect from their number a president, secretary, and treasurer, the latter of whom shall give bond in such manner and for such amount as the by-laws may require, shall elect all officers necessary and proper for the management of the affairs of the corporation, define the duties and terms of service of said officers, and determine all matters and things necessary to the good order and well-being of the same. *Quorum. Powers.*

SECTION 6. That the capital stock of said corporation shall consist of seventy-five shares, with the privilege of increasing the same to the number of eight hundred shares of five dollars each, payable at such times as may be agreed upon by the board of trustees; and the president and the treasurer of said corporation shall make out certificates of stock signed by them and sealed with their corporate seal, and deliver one such certificate to each stockholder for every share by him or her held, on his or her paying to the treasurer the amount of such share, which certificate shall entitle each stockholder to one vote for each share of stock held by him or her, and shall be transferable in person or by attorney on the books of the said company, in which shall be kept a record of the names of the stockholders, with the number of shares subscribed and paid by each set opposite thereto. *Capital stock.*

SECTION 7. That the stockholders of said corporation shall annually, upon the first Monday of June, elect two trustees from among them who shall serve for the period of three years; ten days' notice of said election shall be given by the trustees in such manner as they may direct. But if at any time it shall happen that the election shall not be held on the day prescribed, the privileges of the said corporation shall not for that cause be forfeited, but the officers last elected shall remain in office until others shall be duly elected; and in case of the absence or refusal of either of the said officers to act, the secretary or any member of the board may notify the stockholders thereof, and another election shall be held in ten days from the date of said notice. *Annual election of trustees.*

SECTION 8. That all by-laws, ordinances, and proceedings of said corporation shall be fairly and regularly entered in a book to be kept for that purpose, and no misnomer of said corporation shall defeat any gift, grant, bequest, or devise to the same, where the intention of the grantor or deviser shall sufficiently appear on the face of the conveyance. *Misnomer.*

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 188.

AN ACT

To incorporate the Western Clinical Hospital of Philadelphia.

Preamble.

WHEREAS, It is greatly to the public advantage to encourage all charitable institutions having for their object the relief of the sick poor, and by the timely administration of remedial means to prevent many persons who may be afflicted with disease from becoming burthens to the community.

And whereas, A number of citizens of this Commonwealth are desirous of uniting themselves together under the name, style, and title, of "The Western Clinical Hospital of Philadelphia," for the purpose of establishing a clinical hospital and dispensary in the western part of the city and county of Philadelphia, the benefits of which they propose to extend free of charge to all persons who may apply for the same; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel H. Rothermel, James Page, Ellis S. Archer, Thomas Dunn English, G. J. H. Sanders, Thomas J. Grotjan, James Rees, James McClintock, M. D., William Devine, jr., John A. Elkinton, William Watt, and Thomas B. Florence, with their associates and successors, be, and they are hereby created a body politic and corporate in deed and in law, by the name, style, and title, of "The Western Clinical Hospital of Philadelphia," and by the same name they shall have perpetual succession, and all and singular the privileges, immunities, and franchises incident to a corporation, and shall be capable of taking and holding to them and their successors, in fee simple, or for any lesser estate, as much lands, tenements, and hereditaments and other real and personal estate and property, as shall be necessary to effect all and singular the objects, intents, and purposes of their institution and association; and of suing and being sued, and of doing and performing all and every other act or acts, thing or things, which a body politic or corporate may or can lawfully do or perform, connected with the objects of its incorporation; *Provided,* That the yearly income of said corporation shall not exceed the sum of ten thousand dollars.

Style.

Privileges.

Powers.

SECTION 2. That the said corporation shall have full power to enact and enforce such constitution and by-laws as it shall deem proper for its government, and for the better carrying out and effecting the objects, intents, and purposes of its incorporation, and to make, use, and have a common seal, and the same to break, alter, and renew at pleasure, and shall have the power to elect such officers and at such times as it may deem proper: *Provided,* That the constitution, by-laws, ordinances, and all acts of said corporation shall not be contrary to this charter, nor to the Constitution and laws of the United States, nor of this Commonwealth.

Further powers.

SECTION 3. That no enumeration of powers, privileges, and duties herein contained shall be so construed as to exclude others not enumerated which are necessary to the fulfillment of the designs and pur-

poses of this act, viz., the establishment of a Clinical Hospital, and not inconsistent with its express provisions and limitations.

SECTION 4. That the Legislature hereby reserves the power to alter, revoke, or annul the charter of the said corporation whenever in their opinion said charter may be injurious to the citizens of this Commonwealth; in such manner, however, that no injustice shall be done to the corporators. Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 189.

AN ACT

To authorize the Auditor General to transfer the stock of the Commonwealth in the Pittsburg and Butler turnpike road, to the Allegheny and Butler Plank Road Company.

WHEREAS, The Commonwealth owns four hundred and seventy-three shares of stock in the Pittsburg and Butler turnpike road. Preamble.

And whereas, No dividend has ever been declared, and the whole amount of tolls are much less than adequate to keep the road in good repair, and the stock being of no value; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Auditor General be, and he is hereby authorized and directed to assign and transfer so much of the capital stock of the Pittsburg and Butler turnpike road as is now owned by the Commonwealth, to the president, managers, and company of the Allegheny and Butler plank road, for the sole use and benefit of the said Allegheny and Butler Plank Road Company. Auditor General authorized to transfer certain stock.

SECTION 2. That the seventy-third, seventy-fourth, and seventy-fifth sections of the act of sixteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to executions," shall not apply to the Pittsburg and Butler Turnpike Road Company. Provisions of certain act not apply to this company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 190.

A SUPPLEMENT

To the act incorporating the Erie Cemetery, in the county of Erie.

Part of Walnut
lane vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Walnut lane from the south line of out-lots number three hundred and ninety-two and three hundred and ninety-three (adjacent to the borough of Erie), so far as the said lane passes south to the ridge road, and between out-lots number twenty-eight, twenty-nine, thirty, twenty-seven, one hundred and five, one hundred and four, one hundred and three, one hundred and six, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and fifty-nine, two hundred and thirty-seven, two hundred and thirty-six, and two hundred and thirty-five, which said out-lots have been purchased by said corporation for the purpose of a cemetery, be, and the same is hereby vacated, and the same may be laid out and used and occupied in connection with the said out-lots for the purpose of a cemetery by the said corporation.

Managers au-
thorized to con-
vey said out-
lots, &c.

SECTION 2. That the managers of the said corporation are hereby authorized and empowered to sell and convey any number of the above mentioned out-lots or parts of the same which they may deem not necessary for the purposes of the said cemetery, not exceeding twenty-five acres.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 191.

A SUPPLEMENT

To the act entitled "An Act to incorporate the Philadelphia Insurance Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the Philadelphia Insurance Company shall have power and authority to make marine inland transportation and fire insurance upon the mutual principle, on the same terms and conditions, and with the same corporate privileges and immunities, and under like restrictions as the Columbia Mutual Insurance Company is authorized to make, agreeably to an act entitled "A supplement to an act entitled 'An Act to incorporate the Columbia Insurance Company of Philadelphia,'" approved the eleventh day of March, Anno Domini, one thousand eight hundred and fifty: *Provided*, That the capital stock of the said Philadelphia Insurance Company, the authority to increase the same, and the payment of the instalments thereon, shall be and remain as the same are provided for in the act to which this is a supplement.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 192.

A N A C T

Authorizing the laying out of a State road from Petersburg, in Huntingdon county, to a point known as Brown's Mills, in Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Wilson and Robert Campbell, of Mifflin county, and Robert Cummins, Henry Lee, John Rung, George Jackson, and John Love, of Huntingdon county, be, and are hereby appointed commissioners to view and lay out a road beginning at Petersburg, in Huntingdon county, and running to a point known as Brown's Mills, in Mifflin county. Location.

SECTION 2. That the said commissioners after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line between the said points as the nature of the ground will permit, so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by a moderate excavation, filling, or bridging, the declination of said road may be preserved within that limit. Duties.

SECTION 3. That said commissioners shall meet on or before the first day of October next, and proceed to complete the view of said road, and they are hereby authorized to employ as surveyor Joseph Hefley,

Pay of commis- at a per diem allowance not exceeding one dollar and fifty cents per
sioners, &c. day, and two chain-bearers and one axeman who shall receive one dol-
lar, and the said commissioners shall receive one dollar each for every
day necessarily spent in the discharge of the duties enjoined by this
act; and the amount required to pay the expenses as thus provided, shall
be paid by warrant drawn on the commissioners of Huntingdon and
Mifflin counties in proportion to the time spent in each county respec-
tively.

Draft.

SECTION 4. That it shall be the duty of said commissioners to make
a fair and accurate draft of the location of said road, noting courses and
distances, improvements, roads, township lines, and waters, one copy of
which shall be deposited in the office of the Secretary of the Common-
wealth on or before the first day of January next after the survey is
completed, and one copy in the office of the clerk of the court of each
county in which said road may be, and from thenceforth the said road
shall be a public highway, and shall be opened and repaired by order of
the Courts of Quarter Sessions of said counties.

Damages.

SECTION 5. That it shall be the duty of the said commissioners to
endeavor to procure from all persons through whose land said road is
located, releases for all claims of damages which might arise from open-
ing the said road; and in all cases where a release cannot be obtained,
it shall be their duty to assess the damages and make report thereof
signed by a majority of them, which with the releases shall be returned
to the Courts of Quarter Sessions of the respective counties in which
such damages may accrue: *Provided*, That nothing herein shall be
construed to debar the Petersburg and Shaver's Creek Turnpike Road
Company from locating their road from Petersburg to the point near
Green Tree, upon any part of the State road hereby authorized.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand
eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 193.

AN ACT

To authorize the laying out of a State road from Fredericksburg, Lebanon
county, to a point at or near Straustown, Berks county, relative to a State
road from Honeybrook township, Chester county, to Reading, to incorporate
the Shrewsbury, Hopewell, and Chanceford Plank Road Company, relative to
a road commissioner in Schuylkill county, and to the jurisdiction of aldermen,
justice of the peace, and constables, in the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representa-
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That*

Jacob Tice, of Berks county, and Henry Miller and Daniel Brua, of Lebanon county, be, and they are hereby appointed commissioners to view and lay out a State road from Fredericksburg, in Lebanon county, through Millersburg, in Berks county, to intersect a State road leading from Allentown to Jonestown, at or near Straustown, in Berks county, and the said commissioners named in this section are authorized and directed to lay out and locate said road under the same provisions and restrictions as is contained in the second, third, fourth, fifth, and sixth sections of the act, entitled "An Act authorizing and providing for laying out a State road from Milflinville, in Columbia county, to Conyngham, in Luzerne county," passed the fourteenth day of March, one thousand eight hundred and forty-nine.

Commissioners.

Location.

SECTION 2. That William Bertolett, of Cumruetownship, Paul Geiger, of Robeson township, and Wilson Hamilton, of Carnaervan township, all of the county of Berks, be, and they are hereby appointed commissioners to view and lay out and mark that portion of the State road lying in the county of Berks, which was enacted by the act of fifteenth of April, one thousand eight hundred and fifty, and to which this act is a supplement, which said State road begins at or near the western boundary of Honeybrook township, Chester county, and ends at Reading, in the county of Berks.

Commissioners.

Duties.

SECTION 3. That the said commissioners, or a majority of them, shall proceed according to the provisions and terms and conditions of the said act to which this is a supplement, to the discharge of their duties; and all the rights, powers, and privileges, conferred by the said act of fifteenth April, one thousand eight hundred and fifty, upon the commissioners then appointed, are hereby conferred on the aforesaid commissioners: *Provided however*, That the said commissioners shall have no power to act out of the county of Berks: *And provided also*, That all expenses incurred by the said commissioners shall be paid by the commissioners of the county of Berks, by their orders drawn upon the treasurer of said county.

Certain powers conferred on the said commissioners.

SECTION 4. That the act of fifteenth April, one thousand eight hundred and fifty, so far as it is inconsistent with this act, be, and the same is hereby repealed; and all acts of the commissioners appointed under the said act, so far as they relate to the county of Berks, are hereby rendered null and void.

Repeal.

SECTION 5. That all fines or penalties which may have been imposed within the county of Berks, for non-compliance with the provisions of said act in relation to said State road, be, and they are hereby remitted; and that so much of the twenty-first section of said act of April fifteenth, one thousand eight hundred and fifty, as imposes penalties upon the supervisors of certain townships for refusing to carry out the provisions of said act, be, and the same is hereby repealed.

Fines.

SECTION 6. That the said commissioners shall not have power to make any alteration in that part of the road now made or partly made in Carnaervan township, under the act to which this is a supplement, but shall proceed so as to make it a part of the road which they shall lay out, and the commissioners shall perform the duties enjoined upon them by this act within sixty days after the passage of this act, and on failure to do so, then the act to which this is a supplement to remain in full force and effect.

Powers.

SECTION 7. That the said commissioners shall so grade the road as to make it easy for wagons of heavy burden.

Grade.

SECTION 8. That John Manifold, Henry Latimer, George Hammond, Robert Smith, James Gerry, Joel Mitzel, William Mitzel, George Blas-

Commissioners.

Style.

Subject to provision of certain act.

Capital stock.

Commencement and completion of road.

Jacob Deibert appointed a commissioner for a certain road in Schuylkill county.

Jurisdiction of aldermen, justices of the peace, and constables, in the city and county of Philadelphia extended.

ser, Jesse Klinefelter, Edie Patterson, J. J. Maffet, Samson Smith, Archibald Thompson, Benjamin F. Ebaugh, J. C. Collins, Eli S. Beck, John Manifold, Esquire, James W. Wallace, Isaac Koller and Robert Richey, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style, and title, of "The Shrewsbury, Hopewell, and Chanceford Plank Road Company," with power to construct a plank road commencing at or near Klinefelter's switch, at the Baltimore and Susquehanna railroad, in Shrewsbury township, York county; thence by the most practicable route to the Susquehanna river, at or near York Furnace; subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.

SECTION 9. That the stock of said company shall consist of three thousand shares, of twenty dollars each: *Provided*, That said company may at any time by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

SECTION 10. That if said company shall not commence the construction of said road within five years from the passage of this act, then this and the two preceeding sections of this act shall be null and void.

SECTION 11. That Jacob Deibert, of Schuylkill county, is hereby substituted and appointed a commissioner in the place of Kimber Cleaver, to carry out the provisions of the seventh section of the act passed the seventh day of April, one thousand eight hundred and fifty, entitled "An Act to incorporate the president and managers of the Clarion and Tylersburg and Tionesta Turnpike Road Company, and relative to the collection of road taxes in Antes and Woodbury townships, Blair county, and to a State road in Schuylkill county."

SECTION 12. That the several aldermen, justices of the peace, and constables elected and commissioned, or that may hereafter be elected and commissioned in the city and county of Philadelphia, shall hereafter severally and respectively have and enjoy all the jurisdiction throughout the said city, county, districts, and townships of said county, as is by law vested in the several justices of the peace in this Commonwealth, any law, custom, or usage to the contrary notwithstanding; and so much of any law or laws as is hereby altered or supplied, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 194.

AN ACT

Relative to voting at elections in Bradford county, and to the Tioga Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the Act of Assembly entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene, and Erie," passed the twenty-seventh day of February, one thousand eight hundred and forty-nine, as relates to the county of Bradford, be, and the same is hereby repealed. Repeal of certain act relative to voting in Bradford county.

SECTION 2. That the directors of the Tioga Railroad Company be, and they are hereby authorized to connect the railroads of said company with the railroads of any company or companies now incorporated or hereafter to be incorporated by or under the laws of the State of New York, leading from the northern boundary line of the State of Pennsylvania to some point or points on the New York and Erie railroad in the counties of Steuben or Chemung, and for that purpose to change the location of their present road, and make such new road or roads as may therefor be necessary. The said new road or roads, and every part or parts thereof so to be made by the said the Tioga Railroad Company, shall be subject to the restrictions and entitled to all the privileges contained in the original charter of the Tioga Navigation Company, and the several supplements thereto. And for the cost of the said new road or roads and land therefor, and for depots, locomotives, and machinery required for said company, the directors thereof are authorized to issue a preferred stock or loan, in conformity with the act of the General Assembly, passed the sixth day of April, one thousand eight hundred and fifty, entitled "An Act for the relief of the creditors of the Tioga Navigation Company," and the supplements thereto. Tioga Railroad Company.

SECTION 3. That the directors of the Tioga Railroad Company are hereby authorized to contract with any company or companies now incorporated, or hereafter to be incorporated by or under the laws of the State of New York, for the use of or to lease from them, or either of them, any railroad or railroads leading from the termination of their road or roads now constructed, or hereafter to be constructed at the northern boundary line of the State of Pennsylvania to the New York and Erie railroad, and connecting therewith. Power to contract, &c.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 195.

AN ACT

Relative to the estate of George W. Morgan, deceased, to authorize J. Fisher Learning to sell real estate, and relative to certain trust estates devised by James C. Fisher to his grand daughters.

Preamble.

WHEREAS, George W. Morgan, late of the city of Philadelphia, deceased, died seised of certain real estate consisting of ground-rents and lots and tracts of land situate in the city and county of Philadelphia, and in the borough of Reading, in the county of Berks, and elsewhere in the State of Pennsylvania, having made his last will and testament, and appointed his wife Hetty Morgan, his son-in-law Thomas A. Morgan, and his friend Matthew C. Ralston, executors thereof, of whom the said Hetty Morgan and Matthew C. Ralston are now deceased, leaving the said Thomas A. Morgan sole surviving executor of said will; and it appears from the said will that he intended that his executors should have power to sell his said real estate, although no express power or authority to sell the same is given by the said will; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas A. Morgan, the surviving executor of the last will and testament of George W. Morgan, late of the city of Philadelphia, deceased, or any administrator de bonis non with the said will annexed who may be hereafter duly appointed, shall have full power and authority, if he shall deem it necessary or expedient, to sell or let on ground rent all or any part or parts of the real estate of which the said George W. Morgan was seised at the time of his death, except the plantation and tract of land on which he had lately resided, and specifically advised by him either at public or private sale, upon such terms and conditions and at such time or times as he may think proper, and to make, execute, and deliver, good and sufficient deed and deeds of conveyance for the same to the purchaser or purchasers thereof, who shall thereupon take and hold the same without responsibility for the application of the purchase money: *Provided*, Such sale or sales shall be approved by the Orphans' Court for the county of Philadelphia; and the said surviving executor or administrator making such sale or sales shall give security to the satisfaction of the said court for the proper application of the proceeds of such sale or sales according to the provisions of said will, with respect to the rest and residue of the estate of the testator.

Executor of
George W. Morgan,
deceased,
authorized to
sell certain real
estate.

Trustee of Har-
riet A. Morgan,
authorized to
sell certain real
estate.

SECTION 2. That Thomas A. Morgan, surviving trustee of Harriet A. Morgan, under the will of her father George W. Morgan, late of the city of Philadelphia, deceased, or any other trustee or trustees duly appointed in his place and stead, be, and he or they hereby are authorized and empowered to sell either all, together or in parts, at public or private sale, with the consent in writing of the said Harriet A. Morgan, the part of the plantation and tract of land devised to him, together with Hetty Morgan and Matthew C. Ralston, who are now deceased, by the last will and testament of the said George W. Morgan, in trust for the said Harriet A. Morgan, and since allotted and conveyed to him in severality by the sheriff of Philadelphia county, under proceedings

in partition for the uses and upon the trusts declared in said will, upon such terms and conditions, and at such time or times, as the said trustee or trustees and the said Harriet A. Morgan may think proper, and to make, execute, and deliver good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers thereof, who shall thereupon take and hold the same free and discharged from the said trust; and the said trustee or trustees shall hold the proceeds of such sale or sales in trust for the same uses and purposes as are directed by said will with respect to the share or portion of said plantation and tract of land so as aforesaid devised by said will in trust for the said Harriet A. Morgan: *Provided*, Such sale or sales shall be approved by the Orphans' Court for the county of Philadelphia. And the surviving executor or administrator making such sale or sales, shall give security to the satisfaction of the said court for the proper application of the proceeds of such sale or sales according to law.

SECTION 3. That J. Fisher Leaming, of the city of Philadelphia, guardian of Rebecca Leaming, be, and he is hereby authorized, during her minority, to sell and dispose of, either at public or private sale, and with or without the reservation of any ground rent or other rents, or to join in any proceedings for the division or partition of the whole or any part of the share of the said Rebecca Leaming in all or any lands, tenements, or hereditaments in the city or county of Philadelphia, wherein she is in anywise interested in common with any other person or persons, and to execute, acknowledge, and deliver good and effectual deeds of conveyance for the same: *Provided*, That the said guardian shall in all cases first give security, to be approved of by the Orphans' Court of Philadelphia, for the faithful application of whatever moneys may be receivable for her under any such sale or disposition as aforesaid: *And provided also*, That said court approve of such sale or disposition.

Guardian of Rebecca Leaming authorized to sell certain real estate.

SECTION 4. That all and singular the powers, authorities, and directions, contained in the third section of an act entitled "An Act to authorize the guardian of William and Ellen W. Penrose to confirm the title of real estate, and relative to the real estate of Edwin Shippen Burd, James C. Fisher, and others," passed on the sixth day of April, eighteen hundred and fifty, be, and they are hereby extended to all such real estate as may have been or may be purchased or otherwise acquired by the trustees therein mentioned, or by the trustee for the time being, for the estates of the respective grand daughters.

Relative to the real estate of James C. Fisher, deceased.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 196.

A N A C T

To confer on Jacob Shank, of Lancaster county, the rights, privileges, and advantages of a child born in lawful wedlock, and to incorporate the borough of Mechanicsburg, in York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Shank, of Conestoga township, in the county of Lancaster, an illegitimate son of Jacob Shank and Sarah M'Cardel, who were intermarried after the birth of their said son, shall have and enjoy all the rights, privileges, benefits, and advantages of a legitimate child of the said Jacob Shank and Sarah M'Cardel, born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been the legitimate child of the said Jacob Shank and Sarah M'Cardel, born in lawful wedlock.

Jacob Shank
legitimated.

Mechanicsburg,
York county,
erected into a
borough.

SECTION 2. That the territory lying in the township of Hopewell, in the county of York, included within the following boundaries: Beginning at a post on land of George Anstine, thence due south by land of said George Anstine, David Bowman, John Hetrick, William Griffith, Adam Ebaugh, Anthony M. Bowman, and heirs of Samuel Downs, deceased, three hundred and twenty perches to a post; thence due east by land of heirs of Samuel Downs, deceased, Christian Leib, Israel Gable, and John Leib, one hundred and sixty perches to a post; thence by lands of John Leib, John S. Richey, and Jacob Miller, due north three hundred and twenty perches to a post; thence by land of Jacob Miller, Christian Leib, and George Anstine, to the place of beginning, is hereby erected into a borough, to be called the borough of Mechanicsburg.

Annual elec-
tions.

SECTION 3. That the inhabitants of said borough qualified to vote for members of the general assembly, shall, on the second Monday of May next, and on the third Friday of March in each succeeding year, meet at the school house in said borough, and then and there, between the hours of one and seven o'clock in the afternoon, elect by ballot one citizen who shall be styled chief Burgess of said borough, and one other citizen to be assistant Burgess, and three other citizens to be members of the town council; any four of the above mentioned officers shall be a quorum to transact business; they shall appoint a town clerk, who may be selected from their number if they deem it expedient; said clerk shall keep a fair record of the proceedings of the council, and perform all the duties usually devolving on a town clerk. The qualified voters aforesaid shall also elect one citizen to serve as constable, who shall be returned to the next court of Quarter Sessions of said county, who shall be appointed by the court to serve as constable in the same manner, with like power and authority, and subject to the same regulations and penalties, and shall serve and execute all manner of process the same as township constables under existing laws of this Commonwealth. And the qualified electors of said borough shall also elect one person as a justice of the peace in and for said borough, ac-

according to the laws now existing: *Provided*, That William Griffith, who was elected a justice in and for the township of Hopewell, shall hold his office and act as such justice within and for said borough until the expiration of the term for which he was elected; and no election for justice shall be held for said borough until the election next preceeding the expiration of his term of office, except in case of death, resignation, or removal of said justice: *And provided further*, That such of the qualified electors aforesaid as shall be present at the time and place appointed for holding the first election under this act, shall choose one judge and two inspectors to conduct said election in the manner now prescribed by law for holding township elections in this Commonwealth.

SECTION 4. That from and after the first Monday in May next, the chief burgess, assistant burgess, and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name, style, and title, of "The Chief Burgess, Assistant Burgess, and Town Council of the borough of Mechanicsburg," and shall have *Style.* perpetual succession, and shall be capable in law to have, get, hold, *Privileges.* and possess goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars, and also to grant, sell, and assign the same, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this Commonwealth, in all manner of actions whatever, and to have and use one common seal.

SECTION 5. That the town council may meet by their own authority as occasion may require, or upon the summons of the chief burgess; *Powers of town council, &c.* they shall have power to enact by-laws, and to make such rules, regulations, and ordinances as shall be determined on by a majority of the whole council necessary to promote the peace, good order, and general welfare of the inhabitants of said borough, and for keeping in order the streets, lanes and alleys within the said borough, and the same to annul, alter, or amend, as the occasion may require; and also to assess, levy, and collect a tax for said purposes, and also annually to appoint a street commissioner, collector, and treasurer: *Provided*, That the said ordinances, rules and regulations, shall not be repugnant to the Constitution and laws of the United States or of this Commonwealth: *And provided also*, That no tax shall be laid by them in any one year to exceed five mills in the dollar on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary; in which case a majority of the persons holding real estate within the limits of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in the said borough shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies: *Provided*, That all lands included within the bounds of said borough that is not laid out in lots, is not to be assessed higher than the county rates and levies.

SECTION 6. That nothing herein contained shall be construed to give to the town council aforesaid authority to lay out any road, street, lane, or alley within the borough limits; but such authority shall be vested in the Court of Quarter Sessions of the county of York, under the general road laws of the Commonwealth. *Roads, &c.*

SECTION 7. That the burgess, assistant burgess, and treasurer, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place *Courts of appeal.*

where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal; and where the tax shall have been properly adjusted, it shall be the duty of the chief burgess (or in case of his absence or inability to act) of the treasurer, and he is hereby authorized to issue his precept directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authority given to the collectors of county rates and levies by the laws of this Commonwealth; and the amount so collected shall be paid into the treasury for the use of the corporation.

Treasurer to
give security.

SECTION 8. That the treasurer shall give approved security for the faithful performance of the duties of his office, and for the safe delivery into the hands of his successor of all moneys, books, and accounts appertaining thereto, upon demand being made by the chief burgess for that purpose. The collector shall also give security for the faithful performance of his duties.

Oaths.

SECTION 9. That the chief burgess, assistant burgess, and town council, and all other officers of the borough appointed by the town council in pursuance of the provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace for said county, or the chief burgess, to support the Constitution of the United States and of the State of Pennsylvania, and to perform the duties of their respective offices with fidelity; and the certificate of such oaths and affirmations shall be filed among the records of said corporation.

Road Tax.

SECTION 10. That persons holding property within the limits of said borough shall be exempt from the payment of road tax hereafter assessed on said property for Hopewell township.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 197.

AN ACT.

To authorize the County Commissioners of Berks county to construct a bridge over the river Schuylkill, at or near Hamburg, and to borrow money, empowering James Darrah and the administrators of Thomas H. Jones, deceased, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the commissioners of Berks county be, and they are hereby authorized and required to rebuild the bridge over the river Schuylkill, at the borough of Hamburg, in the county of Berks, under and in accordance with the general road laws of the Commonwealth, and the provisions of the act of Assembly, approved February twenty-second, one thousand eight hundred and twelve, April twenty-three, eighteen hundred and twenty-nine, January thirty-one, one thousand eight hundred and thirty-two, and the supplement thereto approved March twentieth, eighteen hundred and forty-nine, in relation to the erection of three bridges over the river Schuylkill, at or near the city of Reading: *Provided*, That it shall be the duty of the commissioners aforesaid to contract with any person or persons residing in Berks county who may be desirous of using the said bridge, for such annual sum as they may agree upon, to be paid in lieu of the tolls mentioned in the acts aforesaid: *And provided further*, That it shall also be the duty of the said commissioners so soon as the bridge aforesaid is completed, to file in the office of the clerk of the Quarter Sessions in and for said county, a report containing the total amount of money which shall have been expended in the rebuilding of said bridge; which report, so soon as approved by the court of Quarter Sessions of said county, shall be held and taken to be the total amount due the said county therefor. And the said commissioners shall on the thirty-first day of December in each and every year, file in the office aforesaid an account of the nett profits, after deducting all expenses, which they have received from said bridge for the year immediately preceding; and so soon as the amount of said nett profits shall equal the principal and interest of the sum expended in rebuilding the bridges as aforesaid, it shall be the duty of the said court of Quarter Sessions of Berks county to make a decree declaring the said bridge free, of which decree public notice shall be given in one or more newspapers published in the borough of Hamburg, and two or more newspapers published in the city of Reading.

SECTION 2. That the proviso in the first section of an act entitled "An Act authorizing the commissioners of Berks county to borrow money, and for other purposes," approved April sixth, one thousand eight hundred and forty, which limits the debt of the county of Berks to a sum not exceeding fifty thousand dollars, be, and the same is hereby repealed, and that the commissioners of said county be, and they are hereby authorized to borrow as prescribed in the act aforesaid, any sum not exceeding one hundred and twenty-five thousand dollars, and that all certificates of loan heretofore issued by the said commissioners on the credit of said county be, and the same are hereby declared legal and available in the hands of any holder thereof against said county, notwithstanding that when said certificates were issued the debt of said county may have exceeded the sum of fifty thousand dollars: *Provided*, That if the present or any future commissioners shall borrow any sum of money exceeding the sum of one hundred and twenty-five thousand dollars, they shall be individually liable for the re-payment of such excess, and any certificate of loan issued as aforesaid after the debt of said county shall reach the sum of one hundred and twenty-five thousand dollars, shall be null and void, so far as regards the said county: *Provided further*, That after the first day of January, one thousand eight hundred and fifty-two, it shall be the duty of the said commissioners to reduce the debt of said county not less than five thousand dollars in each and every year, until the debt of said county shall again be reduced to the sum of fifty thousand dollars, which sum shall thereafter be the maximum amount of the said county debt, which it shall not be lawful to exceed under the same penalties which are hereinbefore

Commissioners of Berks county, authorized to rebuild a certain bridge.

Repeal.

provided in reference to any excess over the sum of one hundred and twenty-five thousand dollars.

Administrators
of Thomas H.
Jones author-
ized to sell cer-
tain real estate.

SECTION 3. That John V. R. Evans and Rees Davis, administrators of Thomas H. Jones, late of Berks county, deceased, and James Darrah, all of the county of Berks, be, and they are hereby authorized and empowered to sell, dispose of, and convey, all the right, title, and interest, which was in the said Thomas H. Jones, deceased, as well as all the right, title, and interest, which is in the said James Darrah in certain real estate situate in Berks and Schuylkill counties, which said real estate the said Thomas H. Jones, deceased, held as tenant in common with said James Darrah, and to make, execute, and deliver to the purchaser or purchasers thereof, all such deeds or other instruments as may be necessary and proper for carrying into effect the powers hereby granted; such estate to be disposed of at public sale at such times and in such portions as the said administrators and the said James Darrah may deem most expedient, and so that the purchaser or purchasers thereof shall not be bound to see to the application of the money arising therefrom: *Provided however*, That before the execution or delivery of any deed or deeds, the sale or sales so made shall be approved of and confirmed by the Orphans' Court of Berks county, and the purchase money, after deducting the proper costs and expenses, shall be paid into said court for distribution, when the said administrators and the said James Darrah may execute and deliver a deed or deeds to the purchaser or purchasers for the property sold free and clear of all liens and incumbrances whatever: *Provided*, That this act shall not be intended to effect a certain annuity of two thousand dollars charged upon a part of said real estate, to wit: that part which formerly belonged to Samuel Jones, now deceased, situate in Lower Heidelberg township, Berks county, and containing six hundred and four acres and one hundred and thirty-four perches, upon which tract said Samuel Jones by his last will and testament charged said annuity; said charge to remain as heretofore: *And provided further*, That in the distribution as aforesaid by the Orphans' Court, the proceeds arising from the sale of that portion of the said real estate which the said James Darrah and Thomas H. Jones received from Samuel Jones, deceased, shall first be applied to the payment of such notes as the said Samuel Jones may have endorsed for the said Darrah and Jones, and which remain unpaid, and to the payment of the proper debts of said Samuel Jones, if any such there be, and that the proceeds of the above sales shall be deposited by the Orphans' Court of Berks county in the Farmers Bank of Reading for safe keeping, until the same can be distributed according to law.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 198.

AN ACT

To incorporate the Marietta and Mount Joy Turnpike Road Company, and relative to the collection of taxes in Manheim township, Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Mehaffey, Thomas Zell, James Duffy, Jacob E. Kreybill, John G. Hoerner, Benjamin Hostetter, John Stauffer, Samuel Deyer, Jacob E. Cassel, Philip L. Etter, Abraham N. Cassel, Henry Hiestand, and Philip Royer, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the style and title of "The Marietta and Mount Joy Turnpike Road Company," with power to construct a turnpike road commencing at the eastern end of Market street in the borough of Marietta, in the county of Lancaster, and thence to the town or borough of Mount Joy, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto. Commissioners.
Style.
Subject to provisions of certain act.

SECTION 2. That the track of the said turnpike road is to be upon the route or road formerly known as the Marietta, Richland, and Mount Joy Turnpike Road, and to run into two branches at the northern end thereof, and intersect the Lancaster, Elizabethtown, and Middletown Turnpike Road at the towns formerly called Richland and Mount Joy, now the borough of Mount Joy. Track.

SECTION 3. That the capital stock of the said company shall consist of two hundred shares at twenty-five dollars per share : *Provided*, The said company may from time to time, at a meeting of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act. Capital stock.

SECTION 4. That whenever the said track or turnpike road shall be laid and located upon any road now used as a township or county road, then, and in such case, no further or other damages shall be demanded by any one, or paid to any person or persons through whose land the same may pass, than the amount assessed and laid by the viewers or others who laid out such road under the then existing laws of this Commonwealth. Damages.

SECTION 5. That the said company may commence the construction of their road at any intermediate point, *provided* such commencement be made within five years after the passage of this act ; and should said company fail to complete their road within ten years after the same shall have been commenced, then this act shall be null and void, except so far as shall be necessary to close up and settle the affairs of said company. Commencement of road.

SECTION 6. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

Taxes in Man-
heim township,
Lancaster
county.

SECTION 7. That the provisions of the seventh section of "An Act authorizing the sale of certain real estate, to the collection of taxes in certain townships in Monroe, Berks, and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana, and Schuylkill counties," approved the tenth day of April, one thousand eight hundred and forty-eight, be, and the same are hereby extended to the township of Manheim, in the county of Lancaster.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 199.

AN ACT

Authorizing the Governor to incorporate the Abington Turnpike and Plank Road Company, and conferring certain powers upon the supervisors of Exeter township, Luzerne county.

Commissioners.

Style.

Subject to pro-
visions of cer-
tain act.

Capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Andrew Bedford, Nicholas Reynolds, Syril Bailey, L. Batchelor, John G. Fell, S. M. Wheeler, John Stone, Lemuel Stone, T. W. Patterson, H. W. Nicholson, John Thompson, Thomas Smith, John Miller, Ira Gardner, Rodman Sisson, and James Stone, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Abington Turnpike and Plank Road Company," with power to construct a plank road or turnpike road, or each in part, from the village of Abington centre, in Luzerne county, to the summit depot of the Liggitt's Gap Railroad Company, in Abington township, Luzerne county, by the nearest and best route or routes as the president and directors may determine upon, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to toll, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width in any case.

SECTION 2. That the capital stock of said company shall consist of one hundred and twenty shares, at twenty-five dollars per share:

Provided, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and improvements thereto belonging, and to carry out the true intent and meaning of this act: *Provided nevertheless*, That in case the location of said road shall interfere with the location of any public highway of said Abington township, the said company shall pay into the treasury of the township the value and cost of the original construction of such portion, to be ascertained between the company and the supervisors of said township; or if they cannot agree, then the same shall be assessed by three viewers appointed by the court of Quarter Sessions of Luzerne county, at the expense of the company, subject to the approval and confirmation of the report by the court, in the same manner as provided by the laws relative to the viewing and laying out of public highways.

SECTION 3. That the supervisors of the township of Exeter, in the county of Luzerne, be, and they are hereby authorized to enter upon any lands and premises in said township, and do such acts as may be necessary to restore and return any rivulet, brook, or water course diverted by flood from its natural and original channel, to its said former channel.

Supervisors of
Exeter town-
ship, Luzerne
county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 200.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Philadelphia and Atlantic Steam Navigation Company," and relative to filling vacancies in the school board of second section, first district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers to lay before the stockholders at their annual meeting a full statement of the affairs of the company.

Statement of
affairs.

SECTION 2. That the president, or in his absence the secretary or treasurer, on the request in writing of fifteen or more stockholders who shall represent not less than thirty thousand dollars of stock, shall call a special meeting of the stockholders, giving fifteen days' public notice in at least two daily papers in the city of Philadelphia. The secretary or treasurer shall insert in the notices of such meeting the object of the

Special meet-
ings.

call, and no other business shall be transacted without the consent of a majority of the votes present.

List of stockholders.

SECTION 3. That the managers shall cause to be kept in a book a full and correct list of the stockholders, giving the number of shares held by each person, said book to be always open to the inspection of any stockholder.

Number of managers increased.

SECTION 4. That the number of managers shall be increased from five to seven, the election of the additional two managers to take place at a special meeting of the stockholders which shall be held within thirty days after this amendment becomes a law.

Votes.

SECTION 5. That no stock transferred within thirty days preceeding an election for managers shall be entitled to vote at said election.

School directors of second section of first district.

SECTION 6. That from and after the passage of this act, it shall be lawful for the board of school directors of the second section first school district of Pennsylvania, to fill all vacancies that may occur in their board by death, resignation, or otherwise; all laws or parts of laws inconsistent with this section are hereby repealed, so far as they relate to said second section of the first school district of Pennsylvania.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 201.

AN ACT

Authorizing the Governor to incorporate the Catfish and Clarion Turnpike Road Company, and for the relief of Austin Thompson, and relative to the estate of Elizabeth D. Ford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. Amos Myers, Thomas Sutton, James Campbell, George Arnold, John Keatly, Samuel Wilson, James Kerr, William Alexander, Jacob Black, D. B. Long, William Lewis, J. Cribbs, Thomas M'Culloch, Hugh Reed, David Craig, William F. Keever, J. N. Hethrengton, D. B. Hamm, William Curll, L. C. Pritner, George Crawford, William Means, T. F. Riley, Andrew Lee, George Means, David Stoner, J. P. Lyon, John G. Fox, James Huey, David A. Rimer, Dunkin M'Donald, Jacob Ludwig, James Lawson, Joseph Rankin, John Treiby, J. E. Gould, John Connor, Benjamin Armitage, and James Freeman, of Clarion county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name,

style, and title, of "The Catfish and Clarion Turnpike and Plank Road Style. Company," with power to construct a turnpike and plank road from Catfish, on the Allegheny river, in the county of Clarion, by the nearest and best route to the borough of Clarion, as the stockholders may determine upon, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto. And said company shall have power to make branch roads from any point on the Allegheny river to intersect their main road at any point which may be determined by the stockholders as above, and also a branch road from a point at or near Clarion town to the borough of Strattonville. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two thousand shares, at twenty-five dollars per share; *Provided*, That said company shall and may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the roads and to carry out the true intent and meaning of this act: *Provided*, That the supervisors of the several townships through which the said road passes, shall have full power and authority to subscribe to the capital stock of the said company such number of shares, and levy and collect a tax sufficient to meet the instalments due and payable upon the same as may be agreed or determined on at an election to be called for that purpose, upon due and timely notice given. Capital stock.

SECTION 3. That the said company shall have power, a majority of the stockholders agreeing thereto, to make any part of the said road, and cover the same with plank or stone, and also to lay one track covered with plank and one stoned track, each to be not less than eight feet wide.

SECTION 4. That when any part of said road shall be completed not less than three miles, the said company shall have power to put up a gate or gates, or take toll for the travel on said road according to law. Further powers.

SECTION 5. That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so much of the same as may be necessary to wind up the affairs and pay the debts of said company.

SECTION 6. That the State Treasurer is hereby authorized and directed to pay to Austin Thompson the sum of two hundred and fifty dollars out of any money in the treasury not otherwise appropriated, for damages done his mill-dam in December, one thousand eight hundred and forty-seven, by the superintendent of the Allegheny Portage railroad, in rebuilding the viaduct across the mountain branch of the Conemaugh. State Treasurer authorized to pay certain moneys to Austin Thompson.

SECTION 7. That all and every interest, share or shares, of real and personal estate to which Elizabeth D. Ford, wife of John G. Ford, is now or shall hereafter become entitled from the estate of her father Thomas Natt, deceased, shall be, and the same are declared to be subject to the several provisions of the sixth, seventh, eighth, ninth, and tenth sections of the act of assembly of this Commonwealth, passed the eleventh day of April, A. D., one thousand eight hundred and forty-eight, (number three hundred and seventy-two) entitled "A supplement to an act entitled 'An Act relative to the Le Raysville Phalanx,'" passed March, one thousand eight hundred and forty-seven, "and relative to obligors and obligees to secure the rights of married women, in relation to defalcation, and to extend the boundaries of the Elizabeth D. Ford, relative to real estate, &c.

borough of Ligonier;" and that the deed of trust executed by the said Elizabeth D. Natt, now Elizabeth D. Ford, to Mary Natt and Joseph S. Natt, on the twenty-second day of July, A. D., one thousand eight hundred and forty-four, be, and the same is hereby declared null and void.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 202.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Honesdale and Delaware Plank Road Company," approved the third day of May, Anno Domini, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever the Honesdale and Delaware Plank Road Company shall have finished three miles or more of road, the president thereof may give notice to the Governor, who shall appoint forthwith three skillful, judicious, and disinterested persons to view and examine the same, who shall report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike manner; and if their report shall be in the affirmative, then the Governor shall by license under his hand and the seal of the State, permit and suffer said company to erect and fix such and so many gates across said road as will be necessary and sufficient to collect tolls, as is authorized by the act of Assembly of January twenty-sixth, one thousand eight hundred and forty-nine, and the several supplements thereto.

Governor to
appoint view-
ers, &c.

Authorized to
construct a
branch road.

SECTION 2. That the said Honesdale and Delaware Plank Road Company is hereby authorized to construct a branch to their plank road, commencing at or near the Indian Orchard and extending to the village of Hawley; and said company shall not be required to reduce the grade of said branch road to less than four degrees from a horizontal line. The said company shall be authorized to collect the same rate of tolls on said road as is provided in the general law regulating plank roads, passed on the twenty-sixth of January, one thousand eight hundred and forty-nine.

SECTION 3. That the said Honesdale and Delaware Plank Road ^{Increase of} Company be authorized to increase their capital stock to sixteen hun- ^{capital stock.} dred shares, of twenty-five dollars each.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 203.

AN ACT

To incorporate the Pennsylvania State Agricultural Society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Woodward, James Irvin, E. A. Thompson, Frederick Watts, T. J. Biggs, and others, who have subscribed the constitution lately adopted by the convention assembled at Harrisburg to improve the condition of agriculture, horticulture, and the household arts, be, and they are hereby constituted a body politic and corporate in law, by the name of "The Pennsylvania State Agricultural Society," and by that name shall ^{Style.} have perpetual succession, and have capacity to sue and be sued, and may have a common seal, which at their pleasure may alter or renew, they may lawfully gift, grant, devise, bequest or otherwise, lands and ^{Privileges.} tenements, goods and chattels, necessary for all the purposes for which the society was instituted: *Provided,* The annual income therefrom shall not exceed ten thousand dollars, independent of annual contributions by members, and the same to convey, lay out, apply and dispose of for the benefit of the said society as they under their charter and by-laws may direct.

SECTION 2. That the members of the said corporation shall have power to make and enforce such constitution and by-laws as may be ^{By-laws.} necessary for the good government of the society, and the same from time to time to revoke, alter, and amend, as they may think proper: *Provided,* That the same shall not be inconsistent with the Constitution and laws of this State.

SECTION 3. That the sum of two thousand dollars out of any money in the treasury not otherwise appropriated, be, and the same is hereby appropriated to said society; and annually hereafter a sum of equal ^{Annual appro-} amount to thus paid by the members thereof into its treasury, ^{priation to said} affidavit ^{society.}

of which fact, and the amount so raised by the treasurer of the society, being first filed with the State Treasurer: *Provided*, Such sum shall not exceed two thousand dollars in any one year.

County appro-
priation.

SECTION 4. That when any number of individuals shall organize themselves into an agricultural or horticultural society, or any agricultural or horticultural society now organized within any of the counties of this Commonwealth, shall have adopted a constitution and by-laws for their government, elected their officers, and raised annually by the voluntary contribution of its members any sum of money which shall have been actually paid into their treasury for the purpose of being disbursed for the promotion of agricultural knowledge and improvement, and that fact be attested by the affidavit of their president and treasurer, filed with the commissioners of the county, the said county society shall be entitled to receive annually a like sum from the treasurer of their said county: *Provided*, That said annual payment out of the county funds shall not exceed one hundred dollars: *Provided further*, That but one such society in any county shall be entitled to receive such appropriation in any one year under this act.

Annual account
of expenditures.

SECTION 5. That the president of the Pennsylvania State Agricultural Society who shall receive or expend any of the moneys hereby appropriated, shall annually on the first Monday of January, transmit to the Governor of the Commonwealth a detailed account of the expenditure of all the moneys which shall come into his hands under this act, and stating to whom and for what purposes paid, and a copy of the said report shall be transmitted to the Legislature at as early a day as practicable, and the original shall be filed in the office of the Secretary of the Commonwealth. And the presidents of the several county agricultural societies shall annually transmit in the month of December, to the executive committee of the Pennsylvania State Agricultural Society all such reports or returns as they are required to demand and receive from applicants for premiums, together with an abstract of their proceedings during the year; this act shall at all times be within the power of the Legislature to modify, alter, or repeal the same.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 204.

A N A C T

To incorporate the board of elders of the northern diocese of the Church of the United Brethren in the United States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the present members of the board of brethren who for the time being are appointed to superintend the secular and spiritual concerns of the northern diocese of the Church of the United Brethren, commonly called Moravians, in the United States of America, to wit: John C. Jacobson, Henry A. Shultz, and Philip H. Goepf, and their successors as they may be from time to time appointed in accordance with the constitution, rules, and regulations of the said Church of the United Brethren as they now exist, or may be hereafter modified or altered, shall be, and are hereby declared to be a body corporate, to be known by the name, style, and title, of "The board of elders of the northern diocese of the Church of the United Brethren in the United States of America," and by that name shall have perpetual succession, be able and capable in law to sue and be sued, plead and be impleaded, in the courts of this Commonwealth and elsewhere, to have and use a common seal, and to make and establish such by-laws and ordinances as shall be necessary and proper for the regulation of the temporal concerns of the said northern diocese of the said Church of the United Brethren, for the support of acting and superannuated ministers of the said church, for the promotion of religion by education, foreign and domestic missions, and otherwise: *Provided*, That nothing be done in pursuance of the powers and privileges hereinbefore granted contrary or repugnant to this act and the Constitution and laws of this Commonwealth: *And provided further*, That all the acts of the said board of elders of the northern diocese of the Church of the United Brethren in the United States of America, be in conformity to the rules, regulation, and principles of the said Church of the United Brethren in the United States of America, and not in any wise inconsistent with the same.

SECTION 2. That the president of the said board of elders shall be appointed in accordance with the rules and regulations of the said Church of the United Brethren, and that said board of elders, or a majority of them, may, if they deem it necessary, elect or appoint a treasurer and such other officers as may be necessary at such times and at such places, and to serve for such a period as they may deem convenient and necessary, or as may be ordered by the regulations or by-laws of the said church.

SECTION 3. That the said board of elders and their successors by the name, title, and style aforesaid, shall be able and capable in law to purchase, receive, hold and enjoy, all such lands, tenements, bequests, annuities, and gifts, as may be at any time sold, conveyed, bequeathed, given, or granted to it, either absolutely or in trust, and have power to sell or otherwise dispose of the same: *Provided*, That the said corporators shall not at any time hold or absolutely possess property or estate, real,

personal, or mixed, exceeding the annual value of twelve thousand dollars.

Misnomer. SECTION 4. That no misnomer of said corporation and their successors shall defeat or annul any gift, grant, devise, or bequest, to or from the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 205.

AN ACT

To provide for the payment of the First and Second Regiments of Pennsylvania Volunteers who served in the late war with Mexico.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Auditor General of this Commonwealth, and he is hereby authorized and empowered to settle the claims of each and every commissioned and non-commissioned officer and private who volunteered his services to the President of the United States, upon the requisition of the General Government through the late Governor of this State, and who served in the First and Second Regiments of Pennsylvania Volunteers during the late war with Mexico, of which full evidence must be furnished in such manner as may be directed by the said Auditor General; whereupon that officer shall grant to each and every such commissioned and non-commissioned officer and private, their widow or heirs, as the case may be, a certificate of the amount or amounts found to be justly due (if anything) under the sixty-second and sixty-third sections of the militia law of this Commonwealth, passed April second, one thousand eight hundred and twenty-two, so far as relates to the two days pay prior to the marching to the place of rendezvous, and to the suit of uniform therein required to be issued by the Adjutant General to the troops upon their being mustered into service, specifying therein the time of service of such commissioned and non-commissioned officer or private, and the company and regiment in which he served. And the State Treasurer is hereby authorized and required to pay the amount of such certificate to the holder thereof out of any moneys in the treasury not otherwise appropriated, the whole not

to exceed the sum of thirty thousand dollars: *Provided*, That such payment as aforesaid shall be in full of all claims of such volunteers, their widows or heirs, as the case may be, arising under the sixty-second and sixty-third sections of the act approved April second, one thousand eight hundred and twenty-two aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 206.

AN ACT

To regulate certain election districts, defining the duties of the street commissioners of New Brighton, Beaver county, providing for the widening of Broad street, relative to the election of cashiers and solicitors of banks in Philadelphia county, authorizing the corporation of the city of Philadelphia to lay gas pipes through public highways, changing the name of Charles Orrick Barton Campbell to that of Charles Barton Campbell, and incorporating the Germantown Water Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the elections held in the district of Southwark, in the county of Philadelphia, on the second Tuesday of October in each and every year, in the Commissioners Hall of said district on Second street, shall be held on the second Tuesday of October in each and every year, in the respective wards at the places where ward elections are now or may hereafter be held. Elections in the district of Southwark.

SECTION 2. That the judges, inspectors, and clerks of the several wards of such elections shall meet together at the Commissioners Hall in said district, on the second day after any such election, and then and there add together the number of votes given for each person voted for, and make out the returns, and appoint one of their number a return judge, in the manner now prescribed by the laws of this Commonwealth. Duties of judges and clerks.

SECTION 3. That so much of any law or laws of this Commonwealth as conflicts with this act, be, and the same are hereby repealed. Repeal.

SECTION 4. That hereafter, the qualified voters of Young township, Jefferson county, shall hold their general township elections at the house of Daniel Graffius, in said township; and the township elections in said township shall hereafter be held on the first Friday in February. Young township, Jefferson county.

Carbondale
turnpike, Lu-
zerne county.

SECTION 5. That on and after the passage of this act, the qualified electors of the township of Carbondale, in the county of Luzerne, shall hold their general and township elections at the public house now occupied by William W. Bronson, in said township.

Hopewell town-
ship, Hunting-
don county.

SECTION 6. That hereafter the qualified electors of Hopewell township, in Huntingdon county, shall hold their spring and general elections at the public school house at Rough and Ready Furnace, in said township.

Perry township,
Luzerne county.

SECTION 7. That the qualified voters of Perry township, Lawrence county, shall hold their general and township elections at the house of James Stewart, in said township.

SECTION 8. That the qualified electors of the borough of Bethany, and the township of Dyberry, Wayne county, hereafter shall hold their general and other elections at the district school house in the said borough.

Palmyra town-
ship, Wayne
county.

SECTION 9. That the qualified electors of the township of Palmyra hereafter shall hold their general and township elections at the house of Jacob S. Sandt, in said township, Wayne county.

Sandy Creek
township, Ven-
ango county.

SECTION 10. That from and after the passage of this act, the qualified electors of the township of Sandy Creek, Venango county, shall hold their general election at the house of Ellis Hughs, in said township.

Township audi-
tors, McKean
county.

SECTION 11. That from and after the passage of this act, the township auditors in M'Kean county shall meet on the second Monday after their township elections in each year.

Street Commis-
sioners of New
Brighton, Bea-
ver county.

SECTION 12. That from and after the passage of this act, the duties which have heretofore devolved upon and been performed by the supervisors of the borough of New Brighton, Beaver county, shall hereafter be performed by the street commissioners of said borough, under the same rules and regulations heretofore governing the said supervisor; and any law inconsistent with this section is hereby repealed.

Broad Street,
Philadelphia
county.

SECTION 13. That upon a full and sufficient release and quit claim for damages being executed to the county of Philadelphia, by four-fifths of the owners of property on Broad street from Camac street, the point to which the same is now graded, to its intersection with the Philadelphia and Germantown Railroad, in Penn township, in said county, of so much of their lands on each side of said street as shall be necessary and requisite to open the same to the width of eighty feet, that thereupon the commissioners of the county of Philadelphia aforesaid be, and they are hereby authorized, empowered, and directed forthwith to cause the said street, within the limits aforesaid, to be cut down and graded to the width of eighty feet as aforesaid, and to widen to the proper width the culverts across the said street to the full width of one hundred and thirteen feet, in conformity to the general plan and survey, and to a regulation of ascents, descents, and water courses which Henry Haines, Esquire, surveyor and regulator in said township, is hereby authorized to fix and establish.

Damages, how
adjusted.

SECTION 14. That it shall be the duty of the Court of Quarter Sessions of the county of Philadelphia, upon being petitioned for the purpose, to forthwith cause a jury of six persons to be drawn from the general panel of road juries for the term of said court at which the said petition shall be presented (neither of whom shall be the owner of any real estate fronting the said Broad street, within the limits aforesaid), who, upon being notified in such way as is usual in like cases of the time and place of meeting, shall without delay, after being duly sworn and affirmed to discharge the duties imposed upon them by this act with fidelity and impartiality, proceed to enquire and assess the

damages, if any, that any owner or owners of property along the said Broad street within the limits aforesaid, who shall not have released the same as provided for in the first section of this act, shall or may sustain by reason of the same being taken, used, and appropriated for the purpose aforesaid, duly regarding the advantages which may accrue to the said owner or owners by reason of the opening and grading of the said Broad street as aforesaid; and the said jury shall make a true return thereof to the said court, to be entered among the records thereof; and the finding and award of the said jury, or a majority of them, shall, upon being confirmed by the court in such manner as is usual in like cases, be final and conclusive to all parties: *Provided*, That no damages shall be paid to the owners of property for the opening of said Broad street by the county of Philadelphia.

SECTION 15. That from and after the passage of this act, the cashiers and solicitors in the several banks in the county of Philadelphia shall be elected annually by the directors of said banks at the same time and in the same manner that the residents thereof are now elected; and no person shall be eligible as solicitor of any bank in the county of Philadelphia of which he may at the time be a director, nor shall any person be eligible as director of any bank in the county of Philadelphia who shall not have been a stockholder thereof at least three calendar months before the time of his election.

Election of cashiers and solicitors of banks in Philadelphia county.

SECTION 16. That from and after the passing of this act, it shall be lawful for the mayor, aldermen, and citizens of Philadelphia, to make use of any of the public highways, streets, and roads in the county of Philadelphia, for the purpose of laying down, re-laying, and repairing, conduit pipes for the transmission of gas from any works they may erect beyond the limits of said city, for the manufacture and storage of gas for the use of the citizens of said city, and which may be deemed by the said corporation necessary for connecting such works with the conduit pipes and works situated within the limits of said city; and also for the purpose of repairing or detaching said pipes, or connecting therewith such branches, stops, or other devices, as may be deemed by them necessary or proper to perfect and protect the transmission of gas as aforesaid: *Provided*, That the laying, re-laying, repairing, detaching, and all other matters and things done to or about said conduit pipes, and the stops, branches, and other devices connected therewith, shall be done in such manner as not to obstruct the passage of such highways, streets, or roads; and that all damages or injury which may ensue to the said highways, streets, and roads, from the powers and privileges hereby granted, shall be repaired by the said corporation forthwith at its own proper costs, and that nothing herein contained shall be construed to permit said corporation to supply the citizens of any of the townships or districts through which such pipes may be laid with gas, unless by and with the consent of the constituted authorities of such township or district.

Relative to laying pipes, &c. in Philadelphia.

SECTION 17. That Charles Orrick Barton Campbell, of the county of Philadelphia, in the State of Pennsylvania, be, and hereby is authorized to change his name from Charles Orrick Barton Campbell to that of Charles Barton Campbell, and he shall henceforth be called and known by the name of Charles Barton Campbell, and by that name he shall be able and capable in law to sue and be sued, grant, receive, and inherit property, and to do all other legal acts and things as fully and effectually, to all intents and purposes, as he could have done under his former name.

Charles Orrick Barton Campbell, name changed.

SECTION 18. That George Hergeshimer, George W. Carpenter, F. W. Bockius, Joseph King, jr., Christopher Fallon, Joseph Handsberry,

Commissioners.

Name.

and Cephas G. Childs, be, and they are appointed commissioners, who, or a majority of them, are hereby authorized and empowered to carry into effect the establishment of a company to be called the Germantown Water Company, for the purpose of introducing into the borough of Germantown, in the county of Philadelphia, a sufficient supply of fresh and pure water for the inhabitants of said borough; and it shall be the duty of said commissioners, or a majority of them, to procure a book in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay the Germantown Water Company the sum of fifty dollars for every share of stock in said company set opposite to our names, in such manner and proportions as shall be determined on by the board of managers of said company. Witness our hands, the day of in the year of our Lord, one thousand eight hundred and fifty-one;" and the said commissioners, or a majority of them, shall fix on a time and place in said borough of Germantown for the opening of said book to receive subscriptions of stock to said company, and shall give notice thereof for at least one week previous, in a public newspaper published in said borough, at which time and place said commissioners, or some one of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age, either in their own names or in the names of others, where they shall be duly authorized to subscribe in said book for shares in said stock; and the said book shall be kept open for the purpose aforesaid for at least ten hours in each *judicial* day for the space of ten days, or until there shall been subscribed six hundred shares; and if at the expiration of ten days the book aforesaid shall not have thereon subscribed the number of shares aforesaid, the commissioners may adjourn from time to time and transfer the book elsewhere, and open other books of the same character, until the whole number of six hundred shares shall have been subscribed, and then the books shall be closed: *Provided*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners or commissioner at the time of subscribing at least ten per cent. on the amount subscribed.

Powers of certain act extended to this company.

SECTION 19. That the said commissioners, or a majority of them, shall further have all the powers given to, and perform all the duties required of the commissioners named in an act entitled "An Act to incorporate the Honesdale Water Company," passed the fourteenth day of March, one thousand eight hundred and fifty, as fully as if the third section and all the subsequent sections of the said act were hereby re-enacted, substituting the borough of Germantown and county of Philadelphia for the borough of Honesdale and county of Wayne, wherever the same are mentioned in said act. On receiving a certificate such as is provided for by the third section of the said act, the Governor shall by letters patent under his hand and the seal of the Commonwealth, erect and create the subscribers into a body politic and corporate in deed and in law, by the name, style, and title, of "The Germantown Water Company," and by that name the subscribers shall have perpetual succession, with all the privileges, franchises, and immunities incident to a corporation, and be able to sue and be sued, to plead and be impleaded, in all courts of record and elsewhere, and shall also have, possess, and enjoy all other the rights, powers, and privileges given to the Honesdale Water Company in and by the said act of Assembly: *Provided however*, That the said "The Germantown Water Company," shall also be limited and subject to all the several limits and restrictions in said act mentioned, and that the borough of Germantown shall have the same power to purchase the works and franchises of said company

as in and by the said act are given to the borough of Honesdale aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 207.

AN ACT

To change the name of Thomas Orrin Nutting to Thomas Xerxes, and relative to the Buck Mountain Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act Thomas Orrin Nutting, of the borough of Honesdale, in Wayne county, shall be called and known by the name of Thomas Xerxes, and by that name shall be capable of suing and being sued, of taking any real or personal estate by descent, devise, or purchase, and of granting or devising the same in the manner as if he had always been known by the name of Thomas Xerxes. Thomas Orrin Nutting, name changed.

SECTION 2. That the time fixed for the payment of the first annual instalment of the tax of one per cent. on the capital stock paid in of the Buck Mountain Coal Company, provided for in the act extending the charter of the said company, approved the twelfth day of February, A. D., one thousand eight hundred and fifty, and the sixth section of the act for the relief of Barbara Patrick, widow of Robert Patrick, a soldier of the Revolutionary war, and to incorporate the Conemaugh and Indiana Plank Road Company, and for other purposes, approved May sixth, one thousand eight hundred and fifty, be, and the same is hereby extended to the first day of January, A. D., one thousand eight hundred and fifty-two. Buck Mountain Coal Company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 208.

AN ACT

To incorporate the Tangascootack Improvement Company, and relative to auditing the account of the Treasurer of the Board of School Directors of the borough of Williamsport, Lycoming county, to the Town Council of Manayunk, street in the county of Philadelphia, and to certain collectors on the public works.

- SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Corporators.** *Hepburn M'Clure, Joseph F. Bailey, David Longenecker, and John F. Cowan, and the other equitable owners of certain lands in the county of Clinton, their associates, successors, and assigns be, and they are hereby constituted a body politic and corporate, by the name, style,*
- Style.** *and title, of "The Tangascootack Improvement Company," and as such shall have power to take and hold land and real estates in fee simple, in the county of Clinton. And the purpose and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land; and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to the said company, and the said company by the said name is hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects of this incorporation, and to do all things necessary to promote the objects and designs of the same, according to the true intent and meaning thereof: *Provided*, That the said company shall elect five directors for the management of the affairs thereof, and fifteen days' notice of the said election shall be given in one newspaper published in the county of Clinton: *And provided also*, That the quantity of land held by said company shall not exceed three thousand acres: *And provided also*, That said company shall pay into the treasury of the Commonwealth one per cent. upon their capital, one-fourth on the first day of July, one thousand eight hundred and fifty-one, and the balance in three equal annual instalments.*
- Powers.**
- Capital stock.** *SECTION 2. That the capital stock of said company shall consist of two thousand shares, of twenty-five dollars each: *Provided*, Said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock to the sum of two hundred thousand dollars, should that amount in their opinion be necessary to complete the business of the company and to carry out the true intent and meaning of this act.*
- Term of this act.** *SECTION 3. This act shall continue in force twenty years from the date of its passage.*
- Reservation.** *SECTION 4. The Legislature hereby reserves the right to alter, amend, or annul the provisions of this act, whenever they may deem it expe-*

dient so to do : *Provided*, That no injustice shall be done to the corporators.

SECTION 5. The board of school directors of the borough of Williamsport, in the county of Lycoming, are hereby authorized and required to audit, settle, and adjust the treasurer's accounts of receipts and expenditures of money appropriated to the schools in said borough, in said treasurer's hands ; and the certificate of the correctness of said accounts, signed by a majority of said board of directors, shall be an absolute acquittance from all liability on the part of said treasurer.

Account of the treasurer of the Williamsport school district to be audited, &c.

SECTION 6. That from and after the passage of this act, the town council of the borough of Manayunk, in the county of Philadelphia, be, and they are hereby authorized to appoint and duly commission a competent number of police for the preservation of the peace of the said borough, and the prevention of riots, tumults, and unlawful assemblies within the bounds of said borough ; and such police officers shall have all the powers now possessed by the police officers of the city of Philadelphia.

Manayunk borough, additional powers granted to council of.

SECTION 7. The town council aforesaid shall also have power to appoint a lieutenant of police for the said borough, who shall possess the same powers as the other police officers.

Lieutenant of police

SECTION 8. That the said lieutenant and police officers shall hold their office at the pleasure of the said town council, who shall have full authority to enact any by-laws or regulations that may be necessary for the government of said police force.

Term of office.

SECTION 9. That so much of Forty-third street as lies on the west side of the Ridge turnpike road to the river Schuylkill, and so much of Forty-second street from the river Schuylkill to the Norristown railroad, and so much of Ontario street from Ridge road to Forty-first street, and so much of Tioga street from Forty-first street to Forty-third, as laid down in the survey of the county of Philadelphia, in North Penn Township, in said county, be, and the same is hereby vacated.

Relative to certain streets in Philadelphia county.

SECTION 10. That hereafter, all collectors' offices upon any of the public improvements which are required to be kept open during the night-time, shall be classified by the Canal Commissioners, and the salaries of the collectors regulated by said commissioners : *Provided*, no salary shall exceed the sum now allowed to offices of the first class.

Collectors on the public works.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 209.

AN ACT

To confirm the title of James Nevins, and to authorize Michael Shoemaker and George Bush to sell certain real estate, and relative to Girard Avenue and Thompson street, in the county of Philadelphia.

Title of James
Nevins con-
firmed.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the statutes of mortmain and of any other disabling laws, acts, or statutes, as tend to invalidate the title to a lot of ground situate on the south side of Locust street, one hundred and forty-six (146) feet west of Schuylkill Seventh street, front fifty-two (52) feet, depth one hundred and thirty (130) feet to Latimer street, be, and the same are hereby repealed, and the title of James Nevins the owner of the said lot is confirmed as if said statute laws or acts had never been in force.

Preamble.

Whereas, George Fable, deceased, did by his last will and testament dated the first day of February, one thousand eight hundred and thirty-six, devise among other things all the real estate of which he died seised, to be sold when the youngest child should arrive at the age of twenty-one years, and the proceeds thereof should be equally divided between his widow and children, share and share alike.

And whereas, The said George Fable left a widow, to wit, Elizabeth and issue five children, to wit: Joseph, Frederick, George, Sarah, intermarried with George Bush, and Mary, intermarried with Andrew Duher, all of whom have arrived at the age of twenty-one, except the said Frederick and George, for whom Michael Shoemaker is guardian.

And whereas, The widow, the said Elizabeth, by a release dated the fourth day of March, Anno Domini, one thousand eight hundred and forty-eight, and the said Andrew Duher and Mary his wife, by their release dated the twenty-first day of February, one thousand eight hundred and forty-eight, released all their right to said real estate according to the terms thereof, to the said Joseph Fable.

And whereas, The said real estate, consisting of a farm, tenement, and tract of land situated in Hamilton township, Monroe county, containing one hundred and forty-six acres and fifty-three perches, adjoining lands of Simon Moyer, Jacob Stoffe, and others, is becoming unproductive and the buildings going to decay, that it would be greatly to the benefit and advantage of all the heirs having an interest therein that it should be sold; therefore,

Guardian of the
minor children
of George Bush
authorized to
sell certain real
estate.

SECTION 2. That the said Michael Shoemaker, guardian of the said minor children, and George Bush, who intermarried with the said Sarah Fable, shall have authority to sell at either public or private sale said farm, tenement, and tract of land, and to convey the same by deed or deeds in fee simple to the purchaser or purchasers thereof, upon such terms as shall be most advantageous to said heirs in interest, and the proceeds thereof shall be applied according to the true intent and meaning of said last will and testament, and the legal effect and operation of said above-mentioned releases: *Provided*, That before this section shall become operative, the said Michael Shoemaker and George Bush shall

give security, to be approved of by the Orphans' Court of Monroe county, for the faithful application of the proceeds of the sale authorized by this act, and that the said court shall have approved of said sale.

SECTION 3. That Girard Avenue between twenty-ninth street and the river Schuylkill, and Thompson street, from Eleventh street to Broad street, in the district of Penn, county of Philadelphia, be opened, and the same is hereby opened of the same width as the same is laid down on the plan of said district, and confirmed by the Court of Quarter Sessions of said county; and the said court is hereby required to appoint six disinterested persons to view and assess any damages the owners may sustain by reason of the taking of their property for public use, and on their report being approved by the said court, the same shall be paid by the county of Philadelphia: *Provided*, That the county of Philadelphia shall not be required to pay any damages that may be assessed for the opening of said Thompson street.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 210.

AN ACT

Relative to certain turnpike road companies in Lancaster county, and to authorize Samuel Ludwig to peddle merchandize in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter all proceedings against the president and managers of the Lancaster and Susquehanna Turnpike Road Company for any neglect or refusal to keep their road in good traveling order and repair, and for any penalty inflicted on them for the same, shall be commenced and prosecuted according to the provisions of the fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth sections of an act of Assembly entitled "An Act regulating turnpike and plank road companies," approved twenty-sixth January, one thousand eight hundred and forty-nine.

Lancaster and
Susquehanna
Turnpike Road
Company re-
quired to keep
their road in
good order.

SECTION 2. That the fifteenth section of the act entitled "An Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the borough of Lancaster to the river Susquehanna, at or near Wright's ferry," passed twenty-

Repeal.

second April, one thousand seven hundred and ninety-four, be, and the same is hereby repealed.

New Holland
Turnpike Road
Company.

SECTION 3. That the provisions of the law entitled "An Act a supplement to the acts authorizing the Governor to incorporate the New Holland Turnpike Road Company, and the Lancaster, Elizabethtown, and Middletown Turnpike Road Company," shall be construed and is hereby declared to apply to the president, managers, and company of the New Holland Turnpike Road Company, and the president, managers, and company of the Lancaster, Elizabethtown, and Middletown Road.

Samuel Ludwig
authorized to
peddle, &c.

SECTION 4. That Samuel Ludwig, of Lancaster county, be, and he is hereby authorized to peddle and sell within the limits of said county, dry goods or merchandize of any kind for the term of five years, without the payment of any license.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 211.

AN ACT

To change the name of the borough of West Philadelphia to the District of West Philadelphia, and relative to highways in the Districts of Kensington and Richmond, in the county of Philadelphia.

Borough of West
Philadelphia,
name changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July next the municipal district incorporated by an act of Assembly passed February seventeenth, one thousand eight hundred and forty-four, by the name and title of "The borough of West Philadelphia," shall be known by the name and title of "The District of West Philadelphia;" and the name of the councilmen shall be changed to that of commissioners, and that of burgess to president of commissioners, and they shall have all the powers and be subject to all the restrictions conferred by existing laws on the burgess and town council.

Powers.

SECTION 2. That the borough of West Philadelphia be authorized to cause, by vote of town council, curb-stone to be set and the foot paving to be laid of the width of four feet and six inches of brick, next to the curb-stone along each side of the Lancaster turnpike road and Woodland street, so far as the same are within the limits of the said borough, and also to cause the foot-ways of the same and all other streets in said borough, to be paved whenever a majority of the owners of any one

or two squares shall petition therefor, of any width the borough council may think necessary; and the expenses thereof shall be assessed on the respective owners proportionably to their fronts, and be a lien on the properties in front of which such work is done, and be collected as other municipal taxes are collected within the county of Philadelphia: *Provided*, That thirty days' notice be given to the owners to set said curb-stone and pave as may be directed by said borough; and if not done by the owners within such period, the same shall be done by the borough, and collected with the expenses of collection as aforesaid.

SECTION 3. That Henry Leech, Edward F. Gay, John Miller, Hugh McElvain, Peter Frailey, Joseph L. Hancock, David George, William M. Evans, and Frederick Sorber, are hereby appointed commissioners, who, or any two of them, shall have the authority and do and perform all the duties in relation to laying out streets in and for the borough of West Philadelphia and the township of Blockley, as were prescribed in relation to the survey of streets in the townships of Penn and the Northern Liberties, by the act of the third of May, one thousand eight hundred and thirty-two, and the fifteenth, sixteenth, seventeenth, and eighteenth sections of said act entitled "An Act relative to certain State roads, and declaring certain creeks highways, and for other purposes," shall in all respects be taken to be enforced in relation to the said borough of West Philadelphia and township of Blockley: *And provided*, That it shall be the duty of said commissioners to adopt the streets already appropriated to the use of the public, of a width not less than twenty feet, and to lay out others to connect therewith in such manner as to do the least injury to private property, while the public convenience and a general uniformity of plan shall be considered as far as existing circumstances will permit: *Provided nevertheless*, That the said commissioners shall conform to the plan laid out and published by the engineer of the Commonwealth for Powelton as the said plan has been adopted to the purposes of the State railroad: *Provided further*, That the commissioners named in this section shall not receive any compensation for their services.

Commissioners.

Duties.

SECTION 4. That the commissioners of the District of Richmond, in the county of Philadelphia, be, and they are hereby authorized and empowered to grant unto the Philadelphia and Reading Railroad Company the privilege of laying tracks and using for all railroad purposes such portion of the public highway (whether the same be opened or otherwise) lying northwardly and southwardly of, and being adjacent to their present railroad tracks between Richmond street and the Frankford turnpike road in the district aforesaid, as may be by them agreed upon, the said commissioners making such reservations for public purposes as they may deem necessary; and the damage, if any, which may be sustained by the widening and opening of said public highway to the width of one hundred and twenty-six feet, shall be assessed by a jury in the usual manner, and paid by the Philadelphia and Reading Railroad Company.

Commissioners
of the district of
Richmond.

SECTION 5. That the said commissioners are further authorized and empowered to vacate Cumberland street and Susanna street, or Her-ring lane, in said district, from the south-east side of Richmond street to the north-west side of Bank street, as the same are now laid down on the confirmed plan of survey of the said district, and to grant to the said railroad company a certain triangular strip or piece of ground, no longer required for public purposes by reason of the vacation of the said Cumberland street, as originally laid down, and to receive from the said company, in lieu thereof, certain other pieces of ground, landings, rights, and privileges, to the said company now belonging, for

Cumberland
and Susanna
streets in said
district to be va-
cated.

public use and enjoyment forever; and by reason of the premises, the said Cumberland street is hereby declared to be re-opened as a public highway forever, of the width of one hundred and twenty feet, from the south-westwardly of the former Susanna street, or Herring lane, and extending of that width from the south-east side of Richmond street aforesaid to the north-west side of Bank street aforesaid; and the said commissioners are furthermore authorized and empowered to grant to the said company, or to any other person or persons, body or bodies corporate, the privileges of constructing and building within the said district, and at their own expense, any culverts, viaducts, or such other improvements as the said commissioners may deem advantageous to the public: *Provided*, The said improvements are such as the said commissioners would have had power to make at the public expense; and all contracts and agreements heretofore made between the said commissioners and the said Philadelphia and Reading Railroad Company, or other person or persons, body or bodies corporate, for the purposes herein contained, shall be valid and binding upon the said parties, their successors and assigns.

Kensington district.

SECTION 6. That no enactment of the Legislature shall be construed to invalidate or impair the authority vested in the Commissioners of the district of Kensington, in the county of Philadelphia, by the fifteenth section of an act entitled "An Act to vacate Long Lane in the county of Philadelphia," and for other purposes, approved the fifth day of April, one thousand eight hundred and forty-nine, whereby the plan of the survey of the eastern section of said Kensington district was confirmed.

Washington street in said district, width of.

SECTION 7. That Washington street in the district of Kensington, in the county of Philadelphia, between Cherry and Diamond streets, is hereby reduced to the width of sixty feet, and the soil for the space of thirty feet from the east and west lines of said street as now laid down on the plan of said district, is hereby vested in fee simple in the owners of property fronting on said street.

Assessors in the district of Richmond, term of office, &c.

SECTION 8. That the term of office of the assessor elected by the qualified voters of the district of Richmond, in the county of Philadelphia, at the election held on the second Tuesday in October, one thousand eight hundred and fifty, is hereby extended to the third Friday in March, one thousand eight hundred and fifty-two; and on that day annually thereafter the qualified voters of said district shall elect one person to serve for assessor, and at the proper time two persons to serve for assistant assessors for said district.

Water courses in Norris street to be regulated.

SECTION 9. That the Commissioners of the district of Kensington, in the county of Philadelphia, be, and they are hereby authorized and empowered to alter the grade of the water courses in Norris street from Front to Hancock streets, in said district, and with the consent of the Commissioners of the district of Richmond, in said county, to alter the grade of the water courses in Norris street from West street (two squares) to Cedar street.

Washington street to be pitched and paved.

SECTION 10. That the Commissioners of the district of West Philadelphia are hereby authorized and empowered, whenever the consent of the president and directors of the Philadelphia and Lancaster Turnpike Road Company shall be obtained, to pitch and pave Washington street from the east side of Bridgewater street to the west corner of Woodland street, and assess and collect the cost of such work and materials against the owners of the lots fronting on each side of the street where the paving is done, which cost shall be collected in the same manner as county taxes are collected, and be a lien on said lot or lots until paid; and if not promptly paid, with six per cent. advance.

And in like manner the said commissioners shall have power and authority to pave a square on any street, when on application in writing to them made it shall appear that a majority of the owners of lots in any square requires the same to be done: *Provided*, That street crossings shall be done at the cost of the corporation.

SECTION 11. That nothing in this act shall be so construed as to prevent the said Philadelphia and Lancaster Turnpike Company from collecting the tolls upon the said road when paved, and that the said Philadelphia and Lancaster Turnpike Company shall keep the road or street in good repair.

SECTION 12. That from and after the passage of this act, the boundary of the district of West Philadelphia from the south-east corner of Pennsylvania Hospital, shall be as follows; thence west from said corner to a small rivulet running through the estate of the late John Rose, deceased, thence southwardly along the centre of said rivulet to Mill creek, thence southwardly along the centre of said creek to the Philadelphia and Baltimore turnpike, thence eastwardly along the said turnpike, and thence as described in the act approved the fourteenth day of March, one thousand eight hundred and fifty, entitled "A Supplement to incorporate the borough of West Philadelphia," &c.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 212.

AN ACT

Supplementary to an act passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, entitled "An Act relating to Orphans' Courts," and relating to contracts of decedents and escheats in certain cases, and relative to the District Court of the City and County of Philadelphia, and to Registers of Wills.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Orphans' Courts of the several counties of this Commonwealth shall have power to authorize by decree the sale of real estate within their respective counties in the following cases, in addition to those specified in the acts to which this is supplementary.

I. Where lands and tenements, or any interest in possession, belong to a minor, and it shall appear to the Orphans' Court of the proper

Additional powers granted to the Orphans' Courts of this Commonwealth.

county that it would be to the interest of such minor that the same should be sold, in every such case, upon the application of the guardian of such minor, the said court shall authorize the said guardian to make sale of said lands or interest; and upon the confirmation of said sale, the said guardian shall receive and hold the proceeds thereof as and for the estate of said minor.

II. Where lands and tenements are held by will or otherwise for life or per autre vie, by any person or persons, with remainder to any minor or minors, and it shall appear to the Orphans' Court of the proper county that it would be to the interest of such minor or minors that the same should be sold, in every such case, upon the application of the tenant or tenants for life or per autre vie, as the case may be, the said court shall appoint a trustee to make sale of said lands; and upon the confirmation of such sale, the said trustee shall receive and hold the proceeds thereof in trust for the parties in interest therein, and shall loan the same upon good real estate security upon bond and mortgage, and shall pay the interest thereof, as it shall accrue, to the tenants for life or per autre vie, until the estate for life or per autre vie shall have terminated, and shall then pay over the principal sum to the person or persons entitled to such remainder.

III. Where lands and tenements are held in trust, under the provisions of any last will and testament, for any corporation or corporations, person or persons whomsoever, and it shall appear to the Orphans' Court of the proper county that it would be to the interest of the cestui que trusts that the same should be sold, in every such case upon the application of the trustee or trustees holding the same, the said court shall authorize the said trustee or trustees to make sale of said land; and upon the confirmation of such sale, the said trustee or trustees shall receive and hold the proceeds thereof upon such trusts as he, she, or they held the said lands.

SECTION 2. That in any case where an application shall be made to any Orphans' Court for decree authorizing the sale of real estate under any of the provisions hereof, the court shall appoint a day for the hearing and investigating of the facts of the case, and shall cause notice of such day and of such application to be given to all parties legally or beneficially interested in said real estate, and to the guardian of all such parties as are minors; and if such application be made by a guardian, then to the minors themselves, or to their next kin residing in the county, if such there be, at least thirty days prior to such day of hearing; and upon the hearing of all parties who shall attend, by themselves, their guardians, next of kin, committees, or trustees, as the case may be, the said court shall make such decree in the premises as the facts and circumstances shall require.

SECTION 3. That the notice required by the second section hereof shall be given in the manner prescribed by the fifty-second and fifty-third sections of the act to which this is supplementary.

SECTION 4. That every application for the sale of lands under any of the provisions hereof shall be in the form of a petition, and shall set forth a sufficient description of such lands, and the names of the persons interested in the same; and where any of them shall be minors having no guardian residing within the county in which the lands lie, it shall be the duty of the court to appoint some suitable person or persons to guard the interests of said minors: *Provided*, That if such minors shall appear upon the day of hearing before mentioned by guardian prochein ami, or next of kin, such appointment shall be null and void.

SECTION 5. Before any sale of lands under any of the provisions

hereof shall be confirmed by the court, the person or persons to whom the order of sale shall be granted shall file in the office of the clerk of said court a bond, with two or more sureties, to be approved of by the said court, in double the amount of the proceeds of such sale, conditioned for the faithful appropriation of said proceeds; and no sale duly made and confirmed by the proper court shall be held to be void by reason of any misapplication of the proceeds thereof, or on account of any error of judgment which the said court may have made in deciding that such sale was to the interest of the minors or cestui que trusts interested in the lands so sold.

SECTION 6. That in all cases of specific performance of contract, when any court of Common Pleas shall or may make any decree under the first section of the act of the tenth of March, one thousand eight hundred and eighteen, relating to contracts of decedents, when the party to whom the deed is to be made is an executor or administrator of the decedents, the deed shall be made as in other cases under order of court, by the co-executor or co-administrator, if there be one, and if there be none, then the deed shall be executed by the sheriff in compliance with the decree of the court, and be delivered by the sheriff to the grantee therein named, upon such terms as the court shall see fit to require from the grantee as executor or administrator of the decedent, for securing the faithful appropriation of any unpaid purchase money.

SECTION 7. That the title to any real estate in this Commonwealth, derived from any person who is or was in his or her lifetime a citizen of the United States, to his or her lineal descendants, although the same may have been conveyed or devised, or may have descended to such lineal descendants from an alien, is hereby confirmed, so far as that there shall be no escheat by reason of alienage in such case; but such lineal descendants may hold and transmit the title to such real estate to his, her, or their heirs or assigns: *Provided*, That nothing herein contained shall in anywise affect or impair the vested rights of any other individual or individuals.

SECTION 8. That in all actions hereafter instituted in the courts of Common Pleas of the several counties of this Commonwealth on bills, notes, bonds, or other instruments of writing, for the payment of money on book accounts, in all actions and contracts for the loan or advance of money, whether the same be in writing or not, in all actions of seire facias on mortgages, judgments, and on liens of mechanics and material men under the act of seventeenth of March, one thousand eight hundred and thirty-six, and the various supplements thereto, it shall be lawful for the plaintiff at such time as the court may appoint, not less than twenty days after the return days of the said courts, on motion to enter judgment by default, a declaration or statement first having been filed under the standing rules of said courts, notwithstanding an appearance by attorney, unless the defendant shall previously have filed an affidavit of defence stating therein the nature and character of the same: *Provided*, That in all such cases no judgment shall be entered by virtue of this act, unless the said plaintiff shall within two weeks after the returning of the original process filed in the office of the prothonotary of the courts aforesaid a copy of the instrument of writing, book entries, record, or claim, except mortgages on which action has been brought; and said court shall have the same powers to make general rules and orders as are given to the District Court for the city and county of Philadelphia by the act of the eleventh of March, one thousand eight hundred and thirty-six, entitled "A supplement to the act entitled 'An Act to establish the District Court for the city and county of Philadelphia,'" the twenty-eighth day of March, one thousand eight hundred and thirty-five.

District Court of
the city and
county of Phila-
delphia con-
tinued.

SECTION 9. That the District Court for the city and county of Philadelphia be, and the same is hereby continued from and after the time limited in the act to which this is a supplement, until it shall be duly abolished by law, and that the several acts of Assembly now in force relative thereto, and not inconsistent with the provisions of this act, be, and the same are hereby continued in force until duly altered or repealed.

Register of wills.

SECTION 10. That whenever letters testamentary or of administration shall have been heretofore, or shall be hereafter granted by the register of wills of any of the counties in this Commonwealth, by the direction and in pursuance of an order of the Orphans' Court, and conformably thereto, the said register and his sureties shall not be liable on the registers official bond for any loss or damage which may have accrued, or which may hereafter accrue to any person in consequence of the compliance of said register with the said order of the Orphans' Court.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 213.

A N A C T

Authorizing the laying out of a State road from New Brighton, in Beaver county, to Allegheny city, in Allegheny county, to incorporate the New Castle Cemetery Association, to erect Harmony township, in the county of Beaver, and for the relief of David T. Storm.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
Commissioners. John Young, jr., and Henry Chalfant, of Allegheny county, and Francis Hoops, of Beaver county, be, and they are hereby appointed commissioners to view and lay out a road from New Brighton, in Beaver county, by the way of Harger's Mill, in Beaver county, thence to intersect the New Beaver road near Courtney's Mill, and following said road to a point near Wood's Run, thence by Snyder's Run to a point near the Western Penitentiary, in Allegheny county; and in case of resignation or refusal to act by either of said commissioners, it shall be the duty of the judges of the court of Quarter Sessions of the county in which the commissioner resigning or refusing to act resides, to appoint a substitute.

Duties.

SECTION 2. That it shall be the duty of the said commissioners to meet at the house of John Allender, in the city of Allegheny, in Alle-

gheny county, as soon as practicable after the passage of this act, and after having made oath or affirmation before an alderman or justice faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground on which the proposed road is to pass, and lay out the said road upon the best and most practicable route at as low a grade as possible, and in no instance to exceed five degrees, having regard to the public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that the road may be had on a good grade; and it shall be the duty of the said commissioners to plainly and carefully mark the route agreed upon.

SECTION 3. The commissioners herein named shall receive a per diem allowance of two dollars for each day they and each of them shall be necessarily employed in performing the duties enjoined by this act, and Christian Snively is hereby authorized to act as surveyor, and for his services as such shall receive a per diem allowance of two dollars; and the commissioners are hereby authorized to appoint two chain-carriers and one axe-man, at one dollar and fifty cents each per day. Compensation.

SECTION 4. That the said commissioners shall, with as little delay as possible after said survey, make out their drafts of said road as located, whereon shall be noted the courses and distances, the crossing of streams, of county and township lines, one of which shall be forwarded by mail to the Secretary of the Commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of Quarter Sessions in the respective counties through which the roads may pass, which clerks are hereby authorized on the filing of said drafts to issue an order on the supervisors of each township in their respective counties for the immediate opening of said road, the expense of which orders are to be borne by the respective counties, and from the time of such filing as last stated, the said road shall be to all intents and purposes a public highway, and shall be opened as heretofore provided to the width of thirty-three feet. Drafts.

SECTION 5. That it shall be the duty of the supervisors of the several townships in the counties through which the said road authorized to be laid out by the foregoing sections shall pass, upon notice being given, to proceed at once to open and make said road as other roads are opened and made. Duties of supervisors.

SECTION 6. The commissioners appointed by or in pursuance of this act, shall have power to vacate any road or part of roads which may be rendered useless by the location of the road hereby authorized, and shall have power to change the location of any part of the road or roads now in use between the points mentioned in this act. Vacate roads.

SECTION 7. That the accounts of the said road commissioners for their own pay and that of the surveyor, chain-carriers, and axe-man, shall be adjusted by the county commissioners of the counties through which the said road may pass, and paid out of the treasuries of the same according to the time actually required to locate the road within the respective counties. Accounts.

SECTION 8. That it shall be the duty of said commissioners to endeavor to obtain releases from all property holders through which said road shall pass; in failing to obtain releases, it shall be their duty to assess the damages, at the same time taking into consideration the advantages and disadvantages of the road, and make the award accordingly; in case the stations cannot be found, it shall be the duty of the engineer and two of the commissioners, one from each county, to pass along the line of said road, and mark the stations to the satisfaction of the supervisors, and the costs shall be paid by each county. Damages.

Monongahela
Mining Com-
pany.

SECTION 9. That the eleventh section of an act entitled "An Act incorporating the Monongahela Mining Company," enrolled the twenty-sixth day of March, one thousand eight hundred and fifty-one, be amended by substituting Monongahela river in lieu of Ohio river, where said words are contained in said section.

Corporators.

SECTION 10. That Robert Cochran, William M'Clymonds, Jacob S. Quest, Robert Cunningham, William Watson, Joseph Brown, Robert H. Peebles, James D. Clark, William Book, Thomas Fales, William Moore, John Vogan, Charles T. Whippo, and Henry Pearson, and their successors, be, and they are hereby created a body politic and corporate in law, by the name, style, and title, of "The New Castle Cemetery Association," and by that name shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same at their pleasure to alter and renew, and shall have power to purchase, have, hold, and enjoy to them and their successors, any piece or parcel of land not exceeding fifty acres, for the purpose of establishing a cemetery at or near the borough of New Castle, and said corporation shall have power to receive gifts or bequests for the purpose of ornamenting and improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act.

Style.

Privileges.

Annualelection.

SECTION 11. That the affairs of said corporation shall be conducted by a president and six managers, who shall be elected by a majority of the votes of the members of the corporation on the first Monday of July in each and every year; and in case no election shall be held at the time aforesaid, the officers of the preceeding year shall continue in office until an election shall be held. The said president and managers shall fill any vacancies which may occur in their own body by selecting a lot holder to supply any such vacancy occurring by resignation, removal, death, or otherwise, and shall have power to lay out and ornament the ground purchased for said cemetery, to erect such buildings thereon as may be necessary for the enjoyment of the same, to lay out, sell, and dispose burial lots, to appoint all necessary officers, and fix their several duties and compensation, and to make such by-laws, rules and regulations, as they may deem proper for conducting the affairs of the corporation, for the government of lot holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

Purpose of lots.

SECTION 12. That every lot conveyed in said cemetery shall be held by the proprietor for the purpose of sepulture alone, transferable with the consent of the president and managers, and shall not be subject to attachment or execution, and shall forever be exempted from taxation, except for State purposes: *Provided*, That the said exemption from attachment and execution shall not extend to more than four lots of the size originally laid out, held by any one individual.

Members of cor-
poration.

SECTION 13. That as soon as the money received for the sale of lots in said cemetery shall be sufficient to pay the purchase money expended for the land intended to be used for the cemetery, with interest, and the expenses, with the interest thereon, that shall be incurred in laying out, enclosing, and improving the ground and erecting the necessary buildings, and other necessary expenses, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote, and no more: *Provided*, That all the moneys raised thereafter from the sale of lots shall be expended in improving and ornamenting said cemetery.

SECTION 14. That all that part of Economy township, in the county Economy town- of Beaver, lying within the following boundaries, viz.: Beginning at ship, Beaver the mouth of Sewickly creek on the Ohio river, where the line crosses county. dividing the counties of Beaver and Allegheny; thence up said creek along with the line of Allegheny county, to the north-east corner of Depreciation tract, number eleven; thence northwardly along the range line of Depreciation tracts to the south-eastern corner of tract number twenty-two; thence westwardly by the line dividing tracts number twenty-one and twenty-two, to the Ohio river; thence up the said river to the place of beginning, including the village of Economy, be, and the same is hereby erected into a separate township, to be called Harmony, and shall constitute a separate election and school district, and be entitled to have and elect justices of the peace and all township, election, and school officers provided for by law. That the qualified electors of the said township of Harmony shall hereafter hold their general and township elections at the Economy Hotel, now kept by John Schreiber, and that the first township election shall be held on the first Tuesday in May next by the judge and inspectors now elected for the general election in the district of the village of Economy. That hereafter, the place of holding the general and township elections for Economy township shall be the house of George C. Minnis, in the said township of Economy: *Provided*, That the justices of the peace and all the present officers of the township of Economy shall continue to have and exercise all their powers, duties, and authorities, within the said township of Harmony until the said township election in May next, as though the said township of Economy were not divided as aforesaid.

SECTION 15. That the State Treasurer is hereby authorized and directed to pay David T. Storm the sum of two hundred dollars out of any money in the treasury not otherwise appropriated, for damages sustained by him on the Allegheny Portage Railroad.

State Treasurer
authorized to
pay certain
moneys to David T. Storm.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 214.

AN ACT

To incorporate the Jefferson and Ebensburg Plank Road Company, to authorize John Maclay, guardian of James H. Maclay and William J. Maclay, to sell certain real estate, and relative to a tavern license in Mifflin county, and to the claim of George Morton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. James Murray, Gilbert L. Lloyd, William Palmer, John Brawley, Charles Litzinger Rees, John Lloyd, William Kittell, James Myers, George Settlemyer, Daniel T. Jones, Anthony Long, Arthur Hill, James Burk, W. H. Gardner, Robert Lytle, and William M'Gary, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of

Style. "The Jefferson and Ebensburg Plank Road Company," with power to construct a plank road from Jefferson to Ebensburg, in the county of Cambria, by the nearest and best route or routes as the stockholders or directors may determine upon, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of one thousand two hundred shares at twenty dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if the said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Guardian of the minor children of Samuel Maclay authorized to sell certain real estate. SECTION 4. That it shall be lawful for John Maclay, guardian of James H. Maclay and William J. Maclay, minor children of Samuel Maclay, deceased, to sell and convey at private sale all the interest the wards aforesaid have in any real estate in Mifflin county: *Provided*, Said guardian give security for the proceeds of such sale, to be approved of by the Orphan's Court of said county: *And provided*, That said court approve of and confirm said sale.

SECTION 5. That the court of Quarter Sessions of Mifflin county be, and it is hereby authorized to hear and determine the application of Jared Irwin for a tavern license in the borough of Lewistown, with like effect as if regular notice had been given in pursuance of the laws regulating tavern licenses.

Auditor General authorized to examine the claim of George Morton. SECTION 6. That the Auditor General be, and he is hereby authorized and required to examine the claim of George Morton for nineteen days' service as principal assistant engineer on the Erie extension Pennsylvania Canal in one thousand eight hundred and thirty-nine, and if he shall certify that the same is due, the State Treasurer shall pay the amount found due, not exceeding seventy-six dollars, out of any money not otherwise appropriated.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 215.

AN ACT

Authorizing Daniel Sheesley, trustee of Thomas Harrison Jones and Mary Jones, to sell and convey certain real estate.

WHEREAS, By a certain indenture, bearing date the eighth day of November, Anno Domini, one thousand eight hundred and forty-three, between Peter Mooney and Sophia his wife, of the one part, and Daniel Sheesley of the other part, a certain house and lot of ground situated on Second street, in the borough of Harrisburg, in the county of Dauphin, was conveyed to the said Daniel Sheesley, his heirs and assigns, in trust for the sole and separate use of Thomas Harrison Jones and Mary Jones, minor children of Thomas Jones and Amanda Jones.

And whereas, There exists no provision in said deed to authorize said Daniel Sheesley as trustee as aforesaid to sell and convey said house and lot.

And whereas, It is provided in said deed that all the rents, issues, and profits arising from said house and lot of ground shall be paid over by the said Daniel Sheesley, trustee, to such guardian of said Thomas Harrison Jones and Mary Jones as may be legally appointed for them.

And whereas, It is considered for the interest of the said Thomas Harrison Jones and Mary Jones, both by their parents and the said trustee, that the said house and lot be sold and the proceeds paid over by said trustee to such guardians of said children as may be lawfully appointed for them; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Sheesley, trustee named in the deed of trust to him made by Peter Mooney and Sophia his wife, be, and he is hereby authorized to sell at public or private sale, as he shall deem best for the interest of said children, that certain house and lot of ground mentioned in said deed of trust, in such portions and at such time as he shall see fit, with the appurtenances, and to execute a deed or deeds to the purchaser or purchasers of the same or any portion thereof, and whenever any sale or conveyance of the said trust property shall be made, no purchaser or purchasers of the said property shall be under any obligation to see to the application of the said purchase money, or liable for its non-application or misapplication: *Provided,* That before such sale the said Daniel Sheesley shall execute a bond to the Commonwealth, in such security as the court of Common Pleas of Dauphin county approve, conditioned that the proceeds arising from the sale of said real estate, or such part thereof as may be sold, shall be paid over to the guardian or guardians of the said children as may be legally appointed

for them: *Provided also*, That said court shall approve and confirm the said sale or sales.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 216.

AN ACT

To incorporate the Independent Company of Montgomery and Bucks counties for the recovery of stolen horses and detection of thieves, to authorize Elijah F. Pennypacker and others, trustees, to sell certain real estate in Norristown, and William Carney, guardian of John Cadwalader, to sell certain standing timber in Montgomery county, to authorize the Court of Common Pleas of Montgomery county to incorporate Mutual Saving Fund and Building Associations in said county, and relative to an appeal from the assessment of property in Montgomery county.

Incorporate.

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Independent Company of Montgomery and Bucks counties for the recovery of stolen horses and detection of thieves, is hereby erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Independent Company of Montgomery and Bucks counties for the recovery of stolen horses and detection of thieves," and by the same name shall have perpetual succession, and be able to sue and be sued in all the courts of law in Pennsylvania and elsewhere, and shall be able to purchase, receive, have, hold, and enjoy, to them and to their successors, lands, tenements, hereditaments, rents, annuities, franchises, goods and chattels, of what nature, quality, or kind soever, real, personal, or mixed, or choses in action, and shall have power the same from time to time to sell, grant, alien, and dispose of: *Provided*, That the clear yearly income of the lands and tenements, goods and chattels, shall not exceed three thousand dollars; and also to ordain, establish, and put in execution, such subordinate laws and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution of the United States or of this Commonwealth, and generally to do all and singular such matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation and the proper management of its affairs.

Members.

SECTION 2. That this society shall consist of all such persons as are now members, or shall hereafter be admitted as such, agreeably to the by-laws of said society.

SECTION 3. That the officers of this society shall consist of a president, secretary, and treasurer, and such others as the society may think proper to elect. The duties of said officers shall be particularly set forth in the by-laws of said society. Officers.

SECTION 4. That the officers shall be chosen by ballot at a general meeting of the said society on the first Monday in January in each and every year, at such places as a majority at a preceding annual meeting may direct, and to continue in office for one year, or until their successors be elected. Annual election.

SECTION 5. That the funds of the society shall be exclusively appropriated to the payment of rewards offered for and the expenses incurred for the recovery of stolen horses and detection of thieves, and defraying the necessary costs attending the meetings of the society. Fund.

SECTION 6. That the Legislature reserves the right to alter, amend, or annul this charter at any time hereafter. Reservation.

SECTION 7. That Elijah F. Pennypacker, Thomas Hopkins, Isaac Roberts, Robert Iredell, Joseph W. Conrad, Thomas Levezey, Isaac Shoemaker, Daniel Foulk, Nathan Cleaver, and Lewis Jones, trustees named in a certain deed or declaration of trust executed by them, and recorded in the public office for recording deeds at Norristown, in and for the county of Montgomery, in deed book number sixty-six, page three hundred and eighty-three, &c., for the holding of a certain lot or piece of land situated in the borough of Norristown, in the said county, bounded by Sweede street and by lands late of Mordecai R. Moore and William H. Slingsluff and Samuel Jacoby, and particularly mentioned and described in the said deed, containing two acres and seventy-six perches of land, more or less, for the purpose of erecting a meeting house thereon, at such time as may be found expedient or practicable for the use and accommodation of the members of the society of Friends (or Quakers) in unity with the yearly meeting of Friends held in Philadelphia, on second day following the second first day in the fifth month, and also for a burial place for the dead, and for the other uses and purposes mentioned and set forth in the said deed or declaration of trust, be authorized and empowered, and they and the survivors of them are hereby authorized and empowered to sell and dispose of so much and such portion of the said lot or piece of ground as in their judgment it may be expedient and advisable to sell and dispose of, and execute a deed or deeds for the same to the purchaser or purchasers thereof in fee simple: *Provided*, That the said trustees, or the survivors of them, shall appropriate and apply the purchase money or proceeds arising from the said sale toward the erecting and building of a meeting house on the remaining portion of the said lot, and in the purchasing and procuring of another lot for a burial place more remote from the populous and improving parts of said borough, and also of a small strip of ground contiguous to the said first-mentioned lot or piece of land, so as to adapt the same to the present location of the streets in that part of the said borough, to be held by them, the said trustees and the survivors of them, upon the same trusts and for the same uses and purposes as are mentioned, set forth, and declared in the said deed or declaration of trust hereinbefore referred to, and for no other intent, use, or purpose whatever. Elijah F. Pennypacker and others, trustees, authorized to sell certain real estate.

SECTION 8. That the directors of common schools of the Norristown district are hereby authorized to sell to the said trustees in the first section mentioned, or to exchange with them for other land, any portion of the ground belonging to said directors or held by them and adjoining the property mentioned in said first section, for the purpose of Norristown school district.

straightening the division line between the properties, or otherwise, as the parties may agree.

Guardian of
John Cadwalader
authorized
to sell certain
standing timber.

SECTION 9. That William Carney, of Upper Dublin township, Montgomery county, guardian of John Cadwalader, a minor child of Joel Cadwalader and Agnes his wife, late of Abington township, Montgomery county, or his successor in the trust, is hereby authorized and empowered to sell at public sale, after due public notice, any amount of standing timber not exceeding ten acres that is now standing upon the farm, late the aforesaid Joel Cadwalader's, in Abington township aforesaid, and the proceeds of such sale or sales to be secured at interest and remain and be subject to all the provisions, proportions, contingencies, and reversions that the real estate of the aforesaid Joel Cadwalader is subject to by his last will and testament, and the interest arising from the proceeds of such sale or sales to be applied in the same manner and in the same proportion and subject to the same contingencies that the income of the real estate of the aforesaid Joel Cadwalader is made subject to by his last will and testament: *Provided*, That the said William Carney, guardian as aforesaid, or his successor in the trust, before he proceeds to sell the said standing timber, shall enter into bond with sufficient security, to be approved by the Orphan's Court of Montgomery county aforesaid, conditioned for the faithful application of the proceeds of the sale of the said timber according to the true intent and meaning of this act: *And provided*, That the said William Carney or his successor in the trust shall not proceed to sell any timber off said premises until Agnes Cadwalader, widow of Joel Cadwalader aforesaid, shall by a written instrument request the said William Carney or his successor in the trust to sell said timber, she designating the quantity to be sold and the time of sale or sales.

Provisions of
certain act ex-
tended to Mont-
gomery county.

SECTION 10. That the fourth, fifth, sixth, seventh, and eighth sections of an act entitled "A Supplement to an act entitled 'An Act to prevent waste in certain cases within this Commonwealth, passed the twenty-ninth day of March, one thousand eight hundred and twenty-two, to land and building associations, giving the court of Susquehanna county jurisdiction in a certain case, relative to the service of process in certain cases, to party walls in West Philadelphia, to the proof of a certain will, to the sale and purchase of certain burial grounds in Philadelphia, to the laying of gas pipes in the district of Moyamensing, to the relief of certain sureties in Erie county, to the State Lunatic Hospital, relative to the service of process against sheriffs, to the rights of married women, to ground rents, and relating to foreign insurance companies,'" approved the twenty-second day of April, one thousand eight hundred and fifty, be, and the same are hereby extended to the county of Montgomery.

Further provi-
sions.

SECTION 11. That all the provisions of the fifty-second section of the act of Assembly of this Commonwealth, entitled "An Act regulating election districts, and for other purposes," passed the first day of April, A. D., one thousand eight hundred and thirty-six, be, and the same are hereby extended to Montgomery county, to have the same effect therein as if said section were now enacted at length.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 217.

AN ACT

To reduce the expenses of collecting State and county taxes in the county of Venango, to incorporate the Greenville and Ohio State Line Plank Road Company, and authorize the appointment of an auctioneer in the county of Lawrence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the commissioners of the county of Venango, in each and every year immediately after the assessment of taxes for State and county purposes shall be completed in the manner prescribed by law, to cause their clerk to make fair duplicates thereof in a convenient form, and deliver the same to the treasurer of the said county, together with a certificate under their hands respectively, and attested by their clerk, certifying that the taxes charged in said duplicates have been duly assessed according to law.

Duties of commissioners.

SECTION 2. That it shall be the duty of the county treasurer of said county, after he shall receive the duplicates of the assessments from the county commissioners as hereinbefore provided, to give at least thirty days' notice by weekly publication in one or more newspapers printed in said county, of the times and places at which he will attend in each township and borough in said county, for the purpose of collecting and receiving State and county taxes; and it shall be the duty of the said treasurer to attend at least one day in each township and borough in said county for the purpose aforesaid, previous to the first day of August in each year, and he shall give receipts for taxes in all cases when required by the person paying the same: *Provided,* That if any person shall on or before the first day of August aforesaid pay to such treasurer the amount of his or her taxes, such person shall be entitled to a deduction of five per centum on the amount thereof, which shall be in lieu of the abatement of five per cent. allowed the county by the forty-second section of the act to reduce the State debt, &c., passed the twenty-ninth day of April, one thousand eight hundred and forty-four.

Duty of the county treasurer.

SECTION 3. In case any State or county tax assessed in any township or borough within the said county shall remain unpaid for a period of thirty days from and after the first day of August aforesaid, it shall be the duty of the treasurer to issue his warrant under his hand, accompanied by a schedule of all such unpaid taxes, and the names of the persons respectively to whom the same are charged in the proper duplicate directed to the constable of the proper township or borough, whose duty it is hereby made to receive the same, authorizing and requiring him to demand and receive from the persons named in the schedule the sums with which they are therein charged respectively; and the said warrant shall further authorize and require such constable, in case any person named in the schedule thereto annexed shall fail to pay the amount with which such person is therein charged within ten days after demand therefor made by such constable, to levy the same by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale by written and printed advertisements; and

Treasurer to issue warrant, &c.

in such case the constable shall be entitled to retain out of the proceeds of such sale, after first deducting the taxes, the same fees as are now allowed to constables by law for a levy and sale upon a writ of execution.

Warrant for collection of taxes.

SECTION 4. That upon the delivery by the county treasurer of his warrant to any constable according to the provisions of this act, he shall charge such constable with the whole amount of taxes contained in the schedule thereto annexed, in a book to be provided for the purpose, from which liability such constable and his sureties under the provisions of this act shall only be discharged by payment of said amount, after deducting such exonerations as may be allowed to such constable and certified to the said treasurer by the county commissioners for mistakes, indigent persons, unseated lands, and other cases, wherein exonerations are now by law allowed to collectors of taxes.

Court of Quarter Sessions to appoint constables, &c.

SECTION 5. That it shall be the duty of the Court of Quarter Sessions in and for said county of Venango, before they shall appoint constables, to require from them a bond in the name of the Commonwealth, in such sum and with such sureties as shall be approved by the said court, conditioned for the faithful discharge of the duties imposed upon such constables by this act, and for the payment to the proper county treasurers of the full amount of taxes contained in any warrant and schedule which shall be delivered to them or any of them by the county treasurer of said county, after deducting exonerations within four months from and after the date of the delivery of any such warrant as aforesaid.

Duties of constables.

SECTION 6. That it shall be the duty of constables who shall receive warrants from the county treasurer of said county under the provisions of this act, to settle their accounts, obtain their exonerations, and pay over to the treasurer of said county all moneys collected by them in pursuance of the said warrants within four months from and after the day of the delivery of such warrants to them respectively, which day shall be endorsed on each warrant by the treasurer issuing the same, and shall also be by him entered in a book to be by him kept for that purpose, which book verified by the oath or affirmation of such treasurer, or in case of his death, absence out of the State, or other inability to appear and testify by the oath or affirmation of any credible person proving the hand writing of such treasurer, shall be competent evidence to establish the fact of the delivery of any warrant or warrants to any constable or constables as aforesaid, in any court of law in this Commonwealth.

Further duties of treasurer.

SECTION 7. That in case any constable shall fail to make the settlement and payment required in the preceding section of this act within the time aforesaid, it shall be the duty of the treasurer of said county immediately to cause an action of debt in the name of this Commonwealth to be brought upon the bond of such constable, and if upon the trial of any such suit it shall appear that such constable has not complied with the provisions of this act, judgment shall be rendered against the defendants therein for the amount for which such constable is delinquent, together with interest at the rate of twelve per centum per annum from and after the expiration of the aforesaid period of four months, and full costs of suit; and in all such cases there shall be no stay of execution or other stay, any law to the contrary notwithstanding; but it shall be the duty of the said treasurer to prosecute such judgment to execution and satisfaction without delay.

Treasurer or constable, penalty for refusing to act, &c.

SECTION 8. That if any treasurer or constable shall fail or refuse to perform any of the duties required of them respectively by this act, he or they shall for every such offence forfeit and pay a fine of fifty dollars,

which shall be recoverable in the name of the Commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are now by law recoverable with costs of suit, and one moiety thereof shall be paid into the treasury of the Commonwealth, and the residue to the person suing for and recovering the same.

SECTION 9. In lieu of the per centage now received by the treasurer of said county on State taxes by him paid into the State treasury, he shall hereafter be entitled to deduct and retain out of the gross amount of moneys collected and received by him for the use of the Commonwealth under the provisions of this act, the sum of four per cent. on the amount accounted for and paid over by him to the State treasurer.

SECTION 10. That it shall be the duty of the commissioners of the said county of Venango to deliver the duplicates of assessments for the present year to the county treasurer on or before the first day of May next, and to deliver the duplicates of assessments for each succeeding year on or before the first day of April. Duties of commissioners of said county.

SECTION 11. That so much of any law as requires the commissioners of said county to appoint collectors of taxes, and so much of any law as is hereby altered or supplied, is hereby repealed so far as relates to the county of Venango. Repeal.

SECTION 12. That John Waugh, Benjamin F. Bakin, Thomas Packard, G. E. Lashells, James Wick, David Lutzenheier, Samuel Goodwin, H. De la Cositte, and Isaac R. Beare, of Mercer county, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The West Greenville and Ohio State Line Plank Road Company," with power to construct a plank road from the borough of West Greenville, in Mercer county, to the Ohio State line in the direction of Kinsman, Ohio, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto, excepting that portion of the thirteenth section of said act as discriminates in favor of wheels of the width of four inches and upwards; and said company shall have power to regulate their tolls within the limits prescribed by said section, without reference to the width of wheels in any case. Commissioners.
Style.
Subject to provision of certain act.

SECTION 13. That the capital stock of said company shall consist of four hundred shares of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may in their opinion be necessary to carry out the true intent and meaning of this act. Capital stock.

SECTION 14. That the road shall consist of a track not less than eight nor more than fourteen feet wide, with power to lay a double track (if the company shall deem it expedient so to do) each eight feet wide. Track.

SECTION 15. That the said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road. Tolls.

SECTION 16. That if said company shall not commence the construction of said road in three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company. Commencement and completion of road.

SECTION 17. That the Governor be, and he is hereby authorized and empowered to appoint and commission for the term of five years, one Auctioneer for Lawrence county.

suitable person in the county of Lawrence as an auctioneer, who shall be authorized to sell at public auction, at such times and places as he may select, all kinds of goods, wares, merchandize, lands, tenements, and all other kinds of property; and the auctioneer so appointed and commissioned, shall before exercising any of the powers or enjoying any of the privileges incident to said appointment, pay into the county treasury of Lawrence county, for the use of the Commonwealth, the sum of twenty-five dollars for his commission; and the said auctioneer shall also pay into the county treasury, for the use of the Commonwealth, one per centum upon all sales exceeding in amount the sum of ten thousand dollars.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 218.

AN ACT

Regulating boroughs.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* every borough within this Commonwealth that hereafter may be incorporated by an act of the General Assembly, or by the Court of Quarter Sessions of any county shall have power.

Boroughs here-
after incorpor-
ated, powers of.

I. To have succession by its corporate name perpetually.

II. To sue and be sued, to complain and defend in all courts of record and elsewhere.

III. To make and use a common seal, and alter the same at pleasure.

IV. To hold, purchase, and convey such real and personal estate as the purposes of the borough shall require, not exceeding the amount limited in its charter.

II. POWERS OR CORPORATE OFFICERS.

Power of offi-
cers.

SECTION 2. The powers of the corporation shall be vested in the corporate officers designated in the charter, they shall have power;—

I. To make such laws, ordinances, by-laws, and regulations not inconsistent with the laws of this Commonwealth as they shall deem necessary for the good order and government of the borough.

To make laws.

II. To survey, lay out, enact, and ordain such roads, streets, lanes, alleys, courts, and common sewers as they may deem necessary, and to provide for, enact, and ordain the widening and straightening of the same. Lay out streets &c.

III. To prohibit the erection or construction of any building or excavation or other obstruction, to the opening, widening, straightening, and convenient use thereof. Prohibit obstruction of.

IV. To regulate the roads, streets, lanes, alleys, courts, common sewers, public squares, common grounds, foot-walks, pavements, gutters, culverts, and drains, and the heights, grades, widths, slopes, and forms thereof; and they shall have all other needful jurisdiction over the same. To regulate.

V. To require and direct the grading, curbing, paving, and guttering of the side or foot-walks, by the owner or owners of the lots of ground respectively fronting thereon, in accordance with the general regulations prescribed. Direct curbing and paving.

VI. To cause the same to be done on failure of the owners thereof, within the time prescribed by the general regulations, and to collect the cost of the work and materials with twenty per centum advance thereon from said owners, as claims are by law recoverable under the provisions of the law relative to mechanics' liens, and the particulars of such labor and materials; the name or names of the actual or reputed owner or owners, as also of the occupier or occupiers of the premises for the time being, shall be set forth in a statement to be filed within thirty days after such expense shall have been incurred. On failure of owners, the borough to pave and with power to recover cost thereof.

VII. To make all needful regulations respecting the foundations and party-walls of buildings, and respecting vaults, cess-pools, sinks, drains, and partition fences. Regulate foundation and party walls.

VIII. To enter upon the lands and premises of any person or persons, for the purposes authorized by this act by themselves and their duly appointed officers and agents. To enter upon lands.

IX. To prohibit and otherwise regulate the running at large of horses, cattle, sheep, swine, geese, dogs, and other animals, and to authorize their seizure and sale for the benefit of the borough. Prohibit running at large of animals.

X. To authorize and direct the killing of dogs running at large, contrary to the regulations of the borough. Killing of dogs.

XI. To make all needful regulations respecting markets and market days, the hawking and peddling of market produce, and other articles in the borough, and for the inspection and measurement or weight of cord-wood, hay, coal, and other articles sold or offered for sale in the borough. Regulate market peddling, &c.

XII. To regulate annually the scales, weights, and measures within the borough, according to the standard of the Commonwealth. Weights and measures

XIII. To prohibit and remove any obstructions in the highways of the borough, and any nuisance or offensive matter whether in the highways or in public or private ground, and to require the removal of the same by the owner or occupier of such grounds, in default of which the corporation may cause the same to be done, and collect the cost thereof with twenty per centum advance thereon in the manner provided herein for the cost of pavements made by the corporation. Prohibit nuisance.

XIV. To prohibit within the borough the carrying on of any manufacture, art, trade, or business which may be noxious or offensive to the inhabitants; the manufacture, sale, or exposure of fire-works or other inflammable or dangerous articles, and to limit and prescribe the quantities that may be kept in one place of gunpowder, fire-works, turpentine, and other inflammable articles, and to prescribe such other safe-guards as may be necessary. Prohibit carrying on of noxious trade or business.

- To regulate accumulations of manure. XV. To make such regulations relative to accumulations of manure, compost, and the like in barns, stable-yards, and other places, and to prohibit the keeping of hogs within the borough, or within such limits within the same as they may prescribe.
- Regulate interments. XVI. To prohibit within the borough the burial or interment of deceased persons, or within such partial limits within the same as they may from time to time prescribe, and to regulate the depth of graves.
- Other regulations. XVII. To make such other regulations as may be necessary for the health and cleanliness of the borough.
- Relative to fires, of fires, and within such limits within the borough as they may deem proper to prescribe, and to authorize the borough authorities to appropriate money for the purchase of fire engines for the use of said boroughs to and fire companies.
- Exhibitions. XIX. To regulate and prohibit the exhibition of plays, shows, mountebanks, jugglers, and all other exhibitions within the same.
- Night watch. XX. To establish a nightly watch, to light the streets, to provide a supply of water for the use of the inhabitants, to make all needful regulations for the protection of the pipes, lamps, reservoirs, and other constructions or apparatus, and to prevent the waste of water so supplied.
- Fines and penalties, lock-up house. XXI. To impose fines and penalties, incurring partial or total forfeitures, to remit the same, to provide or erect a lock-up house for the temporary detention of persons committed by the proper corporate officers, or by the justices of the peace within the borough: *Provided*, That no person shall be confined in such lock-up house for a longer period than forty-eight hours at any one time.
- Proviso. XXII. To appoint and remove such officers, prescribe their duties, and allow them such compensation as they may deem necessary to secure the peace, order, and well-being of the inhabitants, and to enforce the ordinances and regulations of the borough.
- Appointment and removal of officers, and compensation. XXIII. To prescribe such fees as they may deem proper for the services of their officers in the adjustment of the grades, curbs, lines, party walls, partition fences, and the like, and to enforce the payment of the same.
- Fees of officers.
- Borough tax. XXIV. To levy and collect annually for borough purposes any tax not exceeding one-half cent on the dollar on the valuation assessed for county purposes as now is or may be provided by law, all property, offices, professions, and persons made taxable by the laws of this Commonwealth for county rates and levies, shall be taxable after the same manner for borough purposes.
- Tax on dogs. XXV. To levy and collect annually a tax on the owners of dogs and bitches, not exceeding one dollar on the owner of but one dog, or two dollars on the owner of but one bitch, and to levy and collect such additional tax on the owners of more than one dog or bitch, and in such ratio of increase as they may deem proper.
- Borrow money. XXVI. To borrow money for the use of the borough not exceeding in the whole one dollar in every hundred dollars of the assessed value of the real and personal estate in the borough as assessed for county purposes, and to issue certificates therefor bearing interest not exceeding six per centum: *Provided*, That the same shall not be disposed of at less than par value: *And provided further*, That such loan shall be subject only to the payment of State taxes.

III. DUTIES OF CORPORATE OFFICERS.

SECTION 3. That it shall be the duty of the corporate officers, a majority of whom shall be a quorum,

I. To meet statedly at least once a month, and within ten days after Meetings. the election of any corporate officer.

II. Before entering upon the duties of their offices to take and sub-Officers sworn scribe an oath or affirmation before any judge or justice of the peace or affirmed. of the proper county, to support the Constitution of the United States and of the Commonwealth of Pennsylvania, and to perform the duties of their respective offices with fidelity; and the same shall be entered upon or filed among the records of the corporation, provided that the chief officer of the corporation, having been first duly qualified, may administer to the other officers the said oaths and affirmations.

III. To make full records of their proceedings, and to provide for Record. the preservation thereof.

IV. To publish in at least one newspaper, if such be printed in the Publication of proper county, and by not less than twelve advertisements, to be put ordinances. up in the most public places in the borough, every enactment, regulation, ordinance, or other general law, at least ten days before the same shall take effect.

V. To appoint a treasurer and secretary

VI. To give due and reasonable personal notice of all orders and regulations affecting particular individuals. Treasurer and secretary. Notice of orders, &c.

VII. To make a draft or plan of the roads, streets, lanes, alleys, and Plan of streets, courts opened or laid out, with every explanation necessary to a full &c. understanding of the same, which draft or plan shall be kept by the clerk, and shall be open to public inspection when required.

VIII. To give due and personal notice to all persons resident in the Notice to residents of change of streets, &c. borough, directly interested therein, of any proposition to fix or change the roads, streets, lanes, alleys, or courts, or in the grading or other regulation thereof, and to designate a time and place when they shall be heard in relation thereto, and in the case of persons not residing in the borough, such notice shall be given to the occupants of the respective premises by them held affected by such proposition, or if unoccupied, by written or printed notices conspicuously posted upon such premises.

IX. To appoint a time and place, of which due notice shall be given, Appeals. for the hearing of appeals in relation to the assessment of taxes by such corporate officers, not less than three of whom they may designate, who shall have power to grant such relief as may to them seem proper.

X. To fix from time to time the amount of security to be given by Security of the treasurer, high constable, and the collector of borough taxes, and treasurer and their compensation, and to direct the publication of the accounts of the secretary. treasurer annually, and the mode of publication.

IV. BOROUGH OFFICERS.

SECTION 4. That the corporate officers shall receive no compensation Compensation. for their services in that capacity, excepting such as may be specially authorized by law.

SECTION 5. That the chief burgess or other principal officer of the Chief Burgess. corporation shall have power,—

- Enforce laws. I. To enforce the by-laws, ordinances, rules, and regulations of the corporation.
- Jurisdiction. II. To exercise jurisdiction in all disputes between the corporation and individuals arising under the same.
- Jurisdiction in criminal cases. III. To exercise the powers, jurisdiction, and authority of justices of the peace within the borough for the suppression of riots, tumults, disorderly meetings; and in all criminal cases for the punishment of vagrants and disorderly persons he shall be entitled to the same fees for like services.
- SECTION 6. That it shall be the duty of the chief burgess or other principal corporate officer,—
- To preserve order. I. To preserve order and maintain the peace of the borough, to enforce the ordinances and regulations, to hear complaints, to remove nuisances, and exact a faithful performance of the duties of the officers appointed.
- Issue his warrant to collect taxes. II. To issue his warrant for the collection of taxes assessed, and to demand and receive sufficient security in the amount fixed by the corporation from the treasurer, collector, and high constable.
- To sign laws, &c. III. To sign the several by-laws, rules, regulations, and ordinances adopted, after they shall have been duly and correctly transcribed by the secretary.
- Absence of Chief Burgess, who shall act. SECTION 7. That in the absence of the principal corporate officer, and in case of vacancy or inability of the same, the second burgess or other officer designated in the charter, or by the by-laws of the corporation for that purpose, shall exercise the like powers and perform the like duties.
- Duties of secretary. SECTION 8. That the secretary shall attend all the meetings of the corporation, keep full minutes of their proceedings, transcribe the by-laws, rules, regulations, and ordinances adopted, into a book kept for that purpose; and when signed by the presiding officer, shall attest the same, preserve the records and documents of the corporation, keep the seal of the corporation, certify copies of any book, paper, record, by-law, rule, regulation, ordinance or proceeding of the corporation under the seal thereof, which copies so certified shall be good evidence of the act or thing certified, and shall attest the execution of all instruments under the same record, the publication of all enactments, and attest the same by his signature thereto, and shall file of record the proof of service of all notices as required by this act or of supplements hereto, his certificate whereof shall be good evidence of such notice; he shall deliver over to his successor the seal and all the books, papers, and other things belonging to the corporation.
- Town Clerk. SECTION 9. That the duties of town clerk in boroughs shall hereafter be performed by the secretary of the corporation, who shall receive the fees prescribed by law for the performance of the duties of that office.
- Treasurer. SECTION 10. That the treasurer shall give bond with surety as required by the corporation, before entering upon his duties; he shall keep a just account of all his receipts and disbursements, and shall annually submit his accounts to the borough auditors to be audited and examined by them, and shall publish the same in the manner directed by the corporation, and shall pay over all moneys remaining in his hands, and deliver all books, papers, accounts, and other things belonging to the corporation to his successor.
- Treasurer. SECTION 11. That the treasurer of the corporation shall perform the duties of township treasurer within the borough, and shall receive such compensation as the corporation shall direct.
- Collector. SECTION 12. That the collector of borough taxes shall have the same

powers, and may be proceeded against by the borough treasurer in the same manner for neglect to pay over the amount of his duplicate according to law, as provided in the case of collectors of county rates and levies.

SECTION 13. That the high constable shall give bond with surety as required by the corporation; he shall have the power and authority of constables of the several townships in the proper county; he shall serve the notices prescribed by this act, and attest the services of the same by affidavit in writing signed by him and deposited with the secretary of the corporation. High constable.

V. ELECTIONS.

SECTION 14. Borough elections shall be held in accordance with and subject to all the provisions of the laws regulating township elections, so far as applicable, unless otherwise provided for in the charter. Elections.

SECTION 15. That the election of borough officers shall be at the time and place appointed by law for the choice of inspectors of the general election, unless otherwise prescribed in the charter. Held at general elections.

SECTION 16. That every person entitled to vote for members of the general assembly having resided in the borough six months immediately preceding the election, and within one year paid a borough tax, if such shall have been levied, shall be entitled to vote at the borough election. Who may vote.

SECTION 17. That it shall be lawful for the borough electors annually to elect,—

I. The corporate officers designated in the charter or by this act. What officers to elect.

II. One judge and two inspectors of the general election.

III. One assessor and two assistant assessors, when required by the laws of this Commonwealth.

IV. One borough auditor to serve three years.

V. One constable.

VI. Two overseers of the poor, if necessary, who shall perform the duties and be subject to the provisions of the law respecting township officers and elections.

SECTION 18. That electors only shall be eligible to borough offices.

SECTION 19. That the officers elected shall serve until others are duly elected and qualified.

SECTION 20. That certificates of the election of all borough officers shall be filed among the records of the corporation.

VI. NEW BOROUGHES.

SECTION 21. That the several Courts of Quarter Sessions within this Commonwealth shall have power as provided by law to incorporate boroughs without regard to the population thereof, which shall be subject to the provisions of this act to fix the time and place of holding the first election therein, to designate a person to give due notice of such election and the manner thereof, to appoint a judge and inspectors of such first election from among the electors of the borough, to fix and change the time and place within the same of holding the annual borough election. Courts of Quarter Sessions may incorporate boroughs.

SECTION 22. That every borough hereafter incorporated by an act of

Court to fix time and place of holding elections. the General Assembly shall, unless otherwise provided, be subject to the provisions of this act, and the Courts of Quarter Sessions shall have power to fix the time and place of holding borough elections as herein provided, and shall in like manner appoint the officers to hold the first election, and a person to give notice thereof.

Court may declare boroughs separate districts. SECTION 23. That the court aforesaid shall have power to declare any borough erected or incorporated under the provisions of this act a separate election and school district, or either, if in their opinion the interest of the inhabitants requires it.

Boroughs within a township separate district. SECTION 24. That every borough incorporated from within a township or townships, shall be a distinct district separate therefrom, but shall pay its just proportion of the indebtedness of such township or townships for the repairs of roads existing at the time of its incorporation.

Boundaries to be marked. SECTION 25. That the boundaries of the borough shall, as soon as practicable after its incorporation, be determined and marked, due notice being first given to the supervisors of adjoining townships, or to the corporate authorities of adjoining boroughs.

School directors. SECTION 26. That it shall be lawful for the borough electors at the first borough election to elect six school directors under the provisions of the laws regulating common schools, and two justices of the peace to serve for a term of five years, and thereafter to elect justices of the peace and school directors as directed by law: *Provided*, This section shall not be so construed as to authorize the commissioning of or to have commissioned more than two justices at the same time residing within said borough, unless under the provisions of the existing laws they have by a vote of the electors increased the number of justices within the limits of any such borough or boroughs.

VII. GENERAL PROVISIONS.

SECTION 27. That the powers and duties of the corporation shall be subject to the following provisions:

Private property, compensation for. I. Private property shall not be taken for the use or purpose of the corporation without the consent of the owners, or until just compensation shall be made therefor, according to the laws of this Commonwealth.

Complaints may be made to Quarter Sessions. II. Complaint may be made to the next Court of Quarter Sessions of the proper county, by any person, upon entering into recognizance with sufficient security according to law to prosecute the same with effect, and for the payment of costs and any grievance in consequence of any ordinance, regulation, or act done or purporting to be done in virtue of this act; and the determination and order of the said court thereon shall be conclusive.

Opening and grading streets, &c., said court to take order in. III. Upon the complaint of any person or persons aggrieved by any regulation under the provisions of this act in relation to the laying out, widening, and straightening the roads, streets, lanes, alleys, courts, and common sewers, or of the opening, grading, or other regulations thereof; the said court shall take such order as may be just and reasonable, and the final order of the said court shall be conclusive: *Provided*, That like proceedings shall be had for the opening, widening, and straightening of the roads, streets, lanes, courts, and alleys laid out and ordained in accordance with the provisions of this act, as are provided by law for the laying out and opening of public roads within this Common-

wealth: *Provided also*, That every jury appointed to view, review, lay out, widen, or straighten, or vacate any road or part of road in any borough of this Commonwealth, shall have due reference to the town plot herein authorized and directed, and to the general arrangement, plan, convenience, and advantage of the borough, and shall set forth the facts fully in their report: *Provided further*, That such streets, lanes, and alleys, shall not be opened for public use until the damages shall be liquidated; and upon any amounts due or to become due by borough corporations for the purposes aforesaid, interest shall be allowed and paid from the date of the adjudication of said damages. Damages therefor, how allowed.

IV. The same when duly opened according to law or by agreement of parties, are hereby declared public highways, over which the corporation shall exercise jurisdiction under the provisions of this act. When opened a highway.

V. It shall not be lawful for any owner or owners, occupier or occupiers of lands, buildings, or other improvements, to erect any buildings or make any improvements within the lines of the roads, streets, lanes, alleys, courts, or common sewers, laid out, widened, or straightened, or ordained to be laid out, widened, or straightened, after due notice thereof, and if any such erection or improvement shall be made, no allowance shall be made therefor in the assessment of damages, but the loss or injury sustained by the laying out of the same, or the enactment of such widening or straightening thereof, shall be determined by agreement of the parties, or by appeal to the court as herein directed: *Provided*, That all damages assessed beyond the value of the land thus appropriated to public use shall be paid by the corporation, and the jury shall separately assess the same. Owners of land not to erect buildings within the lines of streets, &c.

SECTION 28. That the corporate style and title of boroughs incorporated under this act shall be "The borough of _____". Style.

SECTION 29. That all charters granted under this act shall set forth, What charters shall set forth.

I. The corporate style and title of the borough.

II. The boundaries thereof.

III. The time and place of holding the annual borough election.

SECTION 30. That the burgess and town council of any borough shall have power, and by virtue of this act are directed and required, on petition of any number not less than twenty of the freehold owners of lots or out-lots, or other tracts of land in any section lying adjacent to said borough, to declare by ordinance the admission of the section on which such petitioners and others reside; and the said section shall forever thereafter be deemed and taken and allowed to be a part of said borough, and subject to the jurisdiction and government of the municipal authorities of said borough, as fully as if the same had been originally a part of the said borough. Limits of, how enlarged.

SECTION 31. That boroughs incorporated by the court of the proper county shall be limited to hold real and personal estate not exceeding the yearly value of three thousand dollars.

SECTION 32. Fines and penalties under the ordinances of the borough shall be recoverable before any justice of the peace of the borough, which shall be paid over to the treasurer for the use of the corporation. Fines, how recoverable.

SECTION 33. That any borough heretofore incorporated may, upon application to the Court of Quarter Sessions, become subject to the restrictions and possess the powers and privileges conferred by this act: *Provided*, That the said court may in their discretion refuse such application on the remonstrance of the inhabitants: *And provided further*, That upon such application being confirmed by the said court, the provisions of the former charter shall be annulled by the decree of the court, so far as they are in conflict with the provisions of this act. Boroughs, how a former incorporation may become subject to this act.

Repeal.

SECTION. 34. That all general laws of this Commonwealth inconsistent herewith are hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 219.

AN ACT

For the relief of a certain soldier and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to Agnes Lemon, of the State of New York, Martha Bellas, of Franklin county, Elizabeth Gonter, of Lancaster county, and Elizabeth Harper, of Fayette county, Martha Gillespie, of Mercer, Ann Coln, of Greene county, Elizabeth Brewer, of Butler county, widows of soldiers of the Revolutionary and Indian wars, an annuity of forty dollars each, payable half-yearly during life, to commence on the first day of January, one thousand eight hundred and fifty-one.

Agnes Lemon,
Martha Bellas,
Elizabeth Gonter,
and Elizabeth Harper, for
relief of.

Jacob Reiner.

SECTION 2. That the State Treasurer is hereby authorized and required to pay to Jacob Reiner, of Schuylkill county, a soldier of the Revolutionary war, an annuity of forty dollars, and a gratuity of forty dollars.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 220.

A N A C T

To incorporate the president and managers of the Beech Creek Plank Road Company, relative to the fees of the Prothonotary of Lycoming county, for the acknowledgement of Treasurer's deeds, and for the relief of Amos Addis.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Nathan J. Mitchel, John Breachdel, George Faust, Andrew White, William H. Miller, Joseph Brownlee, George Sterling, and D. W. Counsel, *Commissioners.* be, and they or any two of them are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Beech Creek Plank Road Company," with *Style.* power to construct a plank road commencing at the public road near Marsh creek, in Centre county, thence by way of Florence by the *Location.* nearest and best route to the public road at or near the house of William Fearon, deceased, subject to all the provisions and restrictions of *Subject to provisions of certain act.* "An Act regulating turnpike and plank road companies," approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall consist of *Capital stock.* two hundred and forty shares of twelve and a-half dollars each, with privilege of increasing said stock, if necessary, to complete said road.

SECTION 3. That the road shall consist of a track of not less than *Width of track.* eight nor more than fourteen feet wide, with power to lay a double track (if the company shall deem it expedient) each eight feet wide.

SECTION 4. That whenever the said company shall have completed *Toll-gates.* two miles of said road they shall have power to erect toll-gates and receive the same tolls per mile that are allowed by the twelfth and thirteenth sections of the act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies."

SECTION 5. That if said company shall not commence the construction of said road in three years, and complete the same within six *Commencement and completion of road.* years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

SECTION 6. That so much of the act to incorporate the president and managers of the Susquehanna and Bald Eagle Plank Road Company, approved the twenty-ninth March, one thousand eight hundred and forty-nine, as is superseded by this act is hereby repealed, so far as *Repeal.* relates to this company.

SECTION 7. That the fees to be paid to the Prothonotary of Lycoming county for the acknowledgement of treasurer's deeds for lands sold for taxes, shall be the same that are allowed for similar services by the *Fees of prothonotary of Lycoming county.* general laws of this Commonwealth.

SECTION 8. That the Canal Commissioners are hereby authorized and *Amos Addis, relative to claim of,* directed to examine the claim of Amos Addis, of Lycoming county, of.

for the use made of his patented schutes in the various dams of the public improvements of the Commonwealth, and report the facts to the Legislature, together with the amount, if any, in their opinion due said claimant: *Provided*, That the amount so reported shall not exceed five hundred dollars.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 221.

AN ACT

To confirm the title of certain real estate in Delaware county, conferring certain powers on the Beaver Meadow Railroad and Coal Company, and relative to the trust estate of Marion W. Kingsbury, in the borough of Towanda.

Preamble.

WHEREAS, In the matter of Isaac M. Ashton vs. Edward B. Garrigues, and others, number one of November term, eighteen hundred and thirty-nine, in the Court of Common Pleas of Delaware county, proceedings in perpetuum rei memoriam in case of a lost deed and title papers, the notice to the parties was omitted to be published in a newspaper nearest to the court house in the county of Delaware; now for the purpose of curing said defect, therefore,

Depositions,
&c., to be good
evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the depositions taken and filed of record in the Court of Common Pleas of Delaware county, in the above matter of lost deed and title papers, and all other matters and proceedings in the case, shall be as good and legal evidence in any trial or controversy respecting the lands, tenements, hereditaments, or possessions described or mentioned in said proceedings in said Court of Common Pleas, as if the said notice to the persons interested in the matter had been duly published in a public newspaper published nearest to the court house in said county of Delaware.

Record, &c.,
certified by the
prothonotary to
be good evi-
dence.

SECTION 2. And that the record and proceedings had and made in the matter, or a copy thereof authenticated under the hand of the prothonotary and seal of said court, may and shall at all times hereafter be read upon any trial or controversy respecting the lands and tenements aforesaid, and shall be taken and allowed as good and sufficient evidence of the facts established, notwithstanding said omission of pub-

lication: *Provided*, The same shall be liable to all other legal exceptions excepting said publication of notice.

SECTION 3. That it shall and may be lawful for the stockholders of the corporation called "The President and Directors of Beaver Meadow Railroad and Coal Company," at a meeting to be called in the usual manner, to authorize their president and managers to issue such additional amount of stock as they from time to time may see fit, not exceeding in the whole four thousand shares, and to transfer the same or any part thereof in payment of any debts for interest or otherwise due or which may become due by the said company, or to sell or dispose of the said shares, or any of them, for the best price or prices which can be obtained therefor, and at such time or times as the said president and managers may deem most expedient and conducive to the interests of the said company, and to apply the proceeds of such sales to such uses as the said president and managers may deem proper for promoting the interests of the said company.

Additional powers granted to the Beaver Meadow Railroad and Coal Company.

SECTION 4. That it shall and may be further lawful for the stockholders of the said company, at a meeting to be called in the usual manner, to authorize their president and managers, in addition to any debts heretofore contracted by the said company, notwithstanding the provisions of the sixteenth section of the act entitled "An Act to incorporate the Beaver Meadow Railroad and Coal Company," passed the seventh day of April, Anno Domini, one thousand eight hundred and thirty, to issue from time to time bonds in the corporate name and under the corporate seal of the said company for any sum not less than five hundred dollars, each payable at any period the said president and managers may see fit, not later than thirty years after their date, with coupons attached to the same for interest thereon payable semi-annually at the rate of six per centum a year, or to authorize their said president and managers to issue so as aforesaid from time to time, bonds in any other form or forms which they the said president and managers may see fit; but if any such bonds shall be issued in another form than that of coupon bonds, they may be issued for any sum not less than one hundred dollars each, which said bonds shall not in the whole exceed the sum of four hundred thousand dollars, and each of the said bonds may contain a stipulation that the same may be converted at the option of the holder thereof at any time before it shall become payable into shares of the capital stock of the said company at the par value of the said shares; any of which shares the said president and managers are hereby authorized to issue to such holder on his request within the stipulated time in addition to the shares heretofore issued by the said company, and also in addition to those which the said company are empowered to issue by the third section of this present act; and it shall and may be further lawful for the said stockholders at such meeting as aforesaid, to authorize the said president and managers to secure to payment of the said bonds and coupons, by executing in the corporate name and under the common seal of the said company, a mortgage in any form they may see fit to trustees to be named by them on their mines, railroad, and their other property, real and personal, or any of them the said mines, railroad and other property, or any part or parts thereof; and the said mortgage may also include the tolls, rents, issues, and profits accruing therefrom, or any portion or portions thereof; and if the said mortgage shall so stipulate, the said the president and managers of the Beaver Meadow Railroad and Coal Company may continue in the possession and management of the mortgaged property, as well personal as real, without prejudice to the security of the mortgage thereon; and it shall and may be further lawful for the said stockholders at such a

Further powers.

meeting as aforesaid, to empower the said president and managers to sell and dispose of at public or private sale the said bonds by this section authorized to be issued for the best price or prices which can be obtained for the same, and at such time or times as the said president and managers may deem most expedient and conducive to the interests of the said company; and the purchase of the said bonds authorized to be issued as aforesaid shall not be deemed usurious or in violation of any law of this Commonwealth prohibiting the taking of more than six per centum interest.

Marion W.
Kingsbury, rela-
tive to estate of.

SECTION 5. That the house and lot situate in the borough of Towanda, Bradford county, on the east side of Main street, conveyed to Joseph Kingsbury by Gilbert H. Drake, and by said Kingsbury to Barton Kingsbury in trust for the use of Marion W., daughter of said Joseph Kingsbury, and bounded on the north by lot of N. P. Brown, on the east by lot lately belonging to G. W. Wansey, on the south by lot lately belonging to John Morris, be, and the same hereby discharged is from said trust and uses, and said house and lot is hereby vested in said Marion W., daughter of said Joseph Kingsbury, as her separate property according to the provisions of the act of eleventh April, one thousand eight hundred and forty-eight, relating to the rights of married women and the supplements thereto.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 222.

AN ACT

To incorporate the Rays Hill, Werefordsburg, and Maryland Line Turnpike Road Company, authorizing John Payne to sell and convey or let upon ground rent certain real estate, fixing the place of holding elections in Middle Woodbury township, Bedford county, confirming certain elections in Fulton county, and certain legal proceedings in Bedford county, changing the road laws in Tioga county, regulating the inspection of weights, beams, and measures, and relating to the estate of Rebecca Large.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Peter Morgart, Lemuel Hill, George Smith, William Mason, Jacob Bernhard, Philip Gordon, Mason Lodge, Henry A. Barton, Jacob Rhom, Noah Frazer, Charles M'Laughlin, Bolser Morgart, Simon Nycum, A. C. Stingers, James J. Kirk, David Mann, Jr., and Daniel

Lake, of the counties of Fulton and Bedford, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Ray's Hill, Werefordsburg, and Maryland Line Turnpike Road Company," to locate and construct a turnpike road from the Chambersburg and Bedford turnpike road at or near Ray's Hill in Bedford county, via. Werefordsburg, to the Maryland State line in Fulton county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with and the following sections.

SECTION 2. That the capital stock of the said company shall consist of two thousand five hundred shares of twenty dollars per share: *Provided*, The said company may from time to time, at a meeting of the stockholders called for the purpose, increase their capital stock to such an amount as in their opinion may require to complete the road according to the true intent and meaning of this act: *And provided also*, The said company may at their option construct a plank road on any part or parts of the same company in lieu of a turnpike, as a majority of the stockholders in amount may determine at a meeting to be called for that purpose, and notice thereof to be first given.

SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

SECTION 4. That John Payne be, and he is hereby authorized to sell and convey by himself or his attorney, in fee simple or upon ground rent, parts or the whole of the interests several or individual of his minor children, Virginia, Rosalie, and Imogene Francis (daughters of his wife, Lucretia W. Janney, deceased), in all real estate to them belonging situate in the city of Philadelphia: *Provided*, That upon such sale or sales by virtue of this act, security shall be given to the satisfaction of the Orphans' Court of the city and county of Philadelphia, for the faithful application of the proceeds of said sale or sales agreeably to the directions of the said Orphan's Court, which shall be a full and complete discharge of the purchaser or purchasers to see to the application of the said purchase money; and the said court is hereby authorized and empowered to direct the payment of the said purchase money to the guardian or guardians of said minor children: *Provided*, That the Orphans' Court aforesaid shall approve of and confirm such sale or sales.

SECTION 5. That the qualified voters of the township of Middle Woodbury, in the county of Bedford, shall hereafter hold their general, special, and township elections at the house of Henry Fluck, in the town of Woodbury, in said township.

SECTION 6. That the election of overseers of the poor, and all other township officers in the county of Fulton, on the twenty-first day of March, one thousand eight hundred and fifty-one, be, and the same is hereby made and declared to be as valid and effectual as the same would have been if the supplement to the act erecting said county of Fulton, approved the twenty-fourth day of March, one thousand eight hundred and fifty-one, had been in full force and virtue at and before the time when said election was held.

SECTION 7. That the writ of partition, inquisition, confirmation, and appointment, of trustees sale and confirmation thereof, and all other

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Commencement and completion of road.

John Payne authorized to sell certain real estate.

Middle Woodbury township, Bedford county, place of holding elections in.

Fulton county, relative to election of overseers of the poor, &c.

Ebenezer P. Oakeman, relative to real estate of. proceedings had in the Orphans' Court of Bedford county relative to the real estate of Ebenezer P. Oakeman, deceased, be, and the same are hereby made and declared to be firm and effectual; and the deed of conveyance made by the trustee aforesaid to the purchaser, John W. Bohn, shall be deemed and taken to vest in said purchaser all the estate, right, title, and interest of the said E. P. Oakeman at and before the time of his death.

Tioga county, repeal of certain road laws in.

SECTION 8. That the first, second, and third sections of an act entitled "A supplement to an act authorizing the laying out and locating a State road from the borough of Elizabethtown, in Allegheny county, to Brownsville, in Fayette county, and for other purposes," approved the fifth day of April, A. D., one thousand eight hundred and forty-four, and the first, second, third, fourth, and fifth sections of "A further supplement" to said act, passed the twenty-second day of March, A. D., one thousand eight hundred and forty-five, and the act entitled "An Act relating to the assessment and collection of taxes in the counties of Bradford, Tioga, and Potter, and fixing the manner of rebuilding and confirming roads, and assessing damages where roads are laid out through improved lands in said counties," approved the thirteenth day of March, one thousand eight hundred and forty-six, are hereby repealed, so far as they relate to the county of Tioga.

To be subject to the general road laws.

SECTION 9. That the said county of Tioga shall hereafter be subject to the general road laws of this Commonwealth, and entitled to elect three supervisors in each and every township, who shall also be poor masters of their respective townships, in the same manner that road commissioners were heretofore elected in said county.

Road commissioners in said county, duties of.

SECTION 10. That the road commissioners of the several townships in said county shall perform all and singular the duties of supervisors and poor masters of their respective townships, until supervisors shall be elected under the laws above referred to; and all acts, proceedings, or assessments duly and properly done and performed by the road commissioners of any of said townships, are hereby confirmed and made valid.

Duties of Supervisors.

SECTION 11. That hereafter the supervisors of the several townships in said county shall cause to be worked out at least one-half of all the road taxes of said townships respectively, on or before the first day of July, and one half of the balance of said taxes by the first day of September, each and every year.

SECTION 12. That it shall be the duty of the supervisors of the several townships in county aforesaid, to cause so much of the taxes aforesaid as shall not have been worked out in obedience to the foregoing section, to be collected in cash, and paid into the township treasurers respectively, for the payment of debts of said townships, on or before the first day in each year: *Provided*, That the five preceding sections shall take effect from and after the first day of January next.

Weights, beams, and measures regulated.

SECTION 13. That all the provisions of the laws and parts of laws regulating the inspection of weights, scales, beams, and measures used for the purpose of buying and selling, shall be extended to all such weights, scales, beams, and measures as are used for ascertaining weights and measures, for the purpose of charging for freight, tonage, transportation, commissions or other charges where such charges are regulated by weight or measure.

Preamble.

Whereas, Susanna Hartshorne, late of the city of Philadelphia, by her last will did devise unto trustees for the use of her daughter Rebecca Large, certain real estate, wharves, stores, and premises, situate on the east side of King street, commonly called Water street, between

Sassafras and Vine streets in the said city, and extending into the river Delaware/as set forth in said will, and the said stores having been destroyed by fire, and the remaining building upon the said lot being old and in so delapidated a condition as to render the removal of it expedient, it is important that the property should be rebuilt and the lots improved, and that the trustee be authorized to raise money for that purpose; therefore,

SECTION 14. That Robert H. Large the present trustee, or whoever may be trustee or trustees for the time being, be, and they are hereby authorized to borrow money upon mortgage of the said premises or any part thereof, and thereupon to execute good and sufficient mortgage or mortgages thereof for the securing the payment of such sum or sums of money with the interest thereof, and when the said mortgage or mortgages shall become due, in the event of the payment of the money loaned being demanded, then again to borrow the money upon mortgage of the premises and to execute new mortgages therefor in order to pay off said mortgage or mortgages first given, and so from time to time as may be necessary, or instead of raising the money by mortgage, the said trustee or trustees may in the first instance or afterwards create a rent charge or ground rent with such provisos as to payment and extinguishment of the same as may be agreed upon, and charge the same upon the whole or any part of the said premises, or if deemed more expedient, the said trustee or trustees may in the first instance or afterwards convey in fee simple the said premises or any part thereof, reserving a rent charge thereout in the usual form, and if such rent charge be reserved, the said trustee or trustees shall have full power to sell and convey the said rent charge in fee simple: *Provided always*, That the purchaser or purchasers, mortgagee or mortgagees, shall not be bound to look to the application of the purchase money or moneys lent as the case may be: *And provided further*, That before the said trustee or trustees shall execute any such mortgage or mortgages, deed or deeds, he or they shall give security, to be approved of by the Court of Common Pleas of Philadelphia county, for the faithful application of said mortgage or purchase money.

JOHN CESSNA,
Speaker of the House of Representatives.
BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 223.

A N A C T

To extend the limits of the borough of Orwigsburg, in the county of Schuylkill, relating to the removal of the seat of justice of said county, and authorizing the election of officers in the county of Forest.

SECTION 1. *Be it enacted by the Senate and House of Representa-*

Orwigsburg borough, limits extended.

tives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the lines of the borough of Orwigsburg, in the county of Schuylkill, be extended so as to embrace within the lines of the said borough, and to be incorporated therein, and taxed and governed as other lands in the said borough, the following parcels of ground now a part of West Brunswick and North Manheim townships, to wit: twenty-six acres and one hundred and fifty-seven perches of land with the grist-mill thereon, described in a deed from Benjamin Bode and wife to George Bode and Daniel Meyerly, junior, dated the third day of April, one thousand eight hundred and forty-eight, and recorded in Schuylkill county in deed book number twenty-nine, pages six hundred and four and five, a house and stable and about six acres of ground described as bounded by lands of Bode and Meyerly, William Grieff, Jacob Allenbach, and Charles Smith, and the Orwigsburg road, in a deed from sheriff Straub, dated the sixth day of December, one thousand eight hundred and forty-nine to George Bode, and recorded in Schuylkill county in deed book numbered thirty-four, pages fifteen and sixteen; also the house formerly owned by Daniel Deibert, and ten acres and seventy-two perches of ground thereunto belonging, described in a deed dated the twentieth day of December, one thousand eight hundred and forty-five, from Daniel Deibert and wife to Charles Smith, recorded in deed book twenty-five, page one hundred and ninety-eight.

Further extension.

SECTION 2. That the aforesaid borough shall be further extended so as to embrace the following boundaries, to wit: Beginning at a Hickory stump, a point in the present borough line, thence by land of Joseph Deibert south three degrees, east fifteen perches to a stone, a corner in a public road; thence by land of Christian Deibert south seventeen degrees, east forty perches to a stone; thence south thirty-three perches to a stone; thence south forty-two degrees, east twenty-five perches to a stone; thence by land of Joshua S. Keller and Joseph Deibert, John Weaver, and others, north eighty-seven three-fourths degrees, east one hundred and seventy-three tenth perches to a pitch pine; thence by land of Peter Fisher north two and one-fourth degrees, west twelve and five-tenth perches to a stone; thence north eighty-three degrees, west thirty-three perches to a stone; thence by land of Henry Lager south four degrees, west fifteen and a-half perches to a stone; thence north eighty-three degrees, west twenty-six and a-half perches to a stone; thence south fifty degrees, west fourteen perches to a stone; thence north thirty-eight degrees, west twenty perches to a stone; thence by land of F. Fried, south three degrees, east eleven and one-half perches to a stone; thence by land of Jacob Allenbach, south forty degrees, east thirty-four perches to a stone; thence south ten degrees, west twenty-eight and a-half perches to a stone by a chestnut; thence south one degree, east forty-eight perches to a stone; thence south eighty-five degrees, east twenty-seven perches to a stone, in a public road leading from Orwigsburg to Port Carbon; thence along said road south seven degrees, east thirteen perches to a corner in said road where it intersects the Bode or Myerly tract, which said territory shall not hereafter be subject to taxation in the said respective townships.

Seat of justice of Schuylkill county fixed at Pottsville.

SECTION 3. That from and after the first day of December next, the seat of justice for the county of Schuylkill shall be situated and fixed in the borough of Pottsville, and the public records now in the borough of Orwigsburg shall be removed to and kept in the buildings recently erected in the borough of Pottsville for the safe keeping of such records, under the provisions of the second section of the act of Assembly passed on the eighth day of March, A. D., one thousand eight hundred

and forty-eight, entitled "An Act for the removal of the seat of justice of the county of Schuylkill from Orwigsburg to the borough of Pottsville;" and the several courts for said county shall thereafter be held in the court house buildings erected in said borough for that purpose.

SECTION 4. That until the completion of the erection of a new prison in said borough of Pottsville, all prisoners committed to the jail of Schuylkill county for trial or under sentence to confinement in the county jail, shall be kept in the present prison at Orwigsburg, or in such buildings as may be temporarily provided for that purpose in the borough of Pottsville, and the commissioners of said county are hereby authorized to make such temporary provisions in the borough of Pottsville for the safe keeping and detention of prisoners as aforesaid.

SECTION 5. That from and after the first day of December next, all writs and other process issued out of the several courts of the said county of Schuylkill shall be tested at and made returnable to the borough of Pottsville, in the county of Schuylkill.

SECTION 6. That so soon as the building committee appointed under the provision of the act entitled "An Act for the removal of the seat of justice of Schuylkill county from Orwigsburg to the borough of Pottsville," passed March eighth, A. D., one thousand eight hundred and forty-eight, by the citizens of the borough of Pottsville, to construct the court house and public offices in said borough, shall have made report to the Court of Common Pleas of said county of Schuylkill that the said buildings are fully completed according to the last recited act, the said court shall inspect the said buildings, and if they approve of the same they shall direct the county commissioners of said county to take charge of the said buildings, and the same shall thenceforth vest in and be the property of said county.

SECTION 7. That the qualified electors of the county of Forrest shall, at their next general election, elect three citizens thereof as commissioners for said county, one of whom shall serve for one year, one for two years, and one for three years, and to be accordingly designated on the tickets of the electors; and said commissioners, together with their successors in office, shall be qualified and elected according to existing laws respecting such officers; and at the same time said electors shall also elect three citizens to serve as county auditors, to be designated as to their term of office aforesaid, one thereof to serve for one year, one for two years, and one for three years, who, together with their successors in office, shall be elected and qualified in the same manner as the auditors of other counties.

SECTION 8. That Cyrus Blood, Edward Shippen, and Charles J. Fox are hereby appointed commissioners of said county to serve until their successors shall be duly elected, who shall perform all the duties enjoined by law on commissioners of other counties of this State.

SECTION 9. That John D. Hunt is hereby appointed treasurer of the said county of Forrest, whose term of office shall continue until the next general election, who shall give bond as other county treasurers are now directed by law to do; and said treasurer is hereby invested with full power and authority to collect all taxes levied by the commissioners of Jefferson county on all real and personal property in the said county of Forrest for the year one thousand eight hundred and fifty-one.

SECTION 10. That the qualified electors of the said county of Forrest shall, at the next general election, and every two years thereafter, elect one citizen thereof as treasurer of said county, who shall perform

all the duties and be subject to the same liabilities as county treasurers are now by law subjected to.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 224.

AN ACT

To incorporate the Kingsessing and Tinicum Meadow Company.

Preamble.

WHEREAS, There is a certain large tract of marsh meadow land situated in the township of Kingsessing, in the county of Philadelphia, and in the township of Tinicum, in the county of Delaware, contained within the following boundaries, to wit: Beginning at the fast-land of John Gibson, by the side of the river Schuylkill, in the first-named township; thence extending down the same by the several courses thereof to the fast-land of Province Island, near Penrose Ferry; thence along the said river by the edge of the fast-land and the marsh meadows below it to the river Delaware; thence down the said last-mentioned river by the several courses thereof to the fast-land of the estate of the late Thomas Smith, Esq., in the township of Tinicum aforesaid, near the new Lazarretto; thence along the inner edge of the fast-land of the said estate and of Richard Willing, Esq., to Long Hook dam; thence over the said dam and along the old bank of Long Hook Creek to Darby Creek; thence up and along the said last mentioned creek to the gravel bank at the gravel hole on the fast-land of Jacob Hoffman; thence by the fast-land of said Hoffman, James Malony, deceased, Abraham Hunt, William B. Chambers, and others, following the courses thereof to Boon's dam; thence across the northern end of the said dam and along the fast-land in a north-easterly direction, following its courses to a certain road called the Hay road or lane; thence along the southern side of the said road to a certain neck of fast-land belonging at that point to Stephen Paschall; thence southwardly at first, and afterwards north-eastwardly along the several courses of the said neck of fast-land to the place of beginning; which said tract of land is subject to destructive overflows from freshets or tides in said rivers and creeks.

And whereas, It has been ascertained by experience that the provisions heretofore made by law for the erection and maintenance of the meadow banks for the protection of said tract of land from such inundations are inequitable in their operation and inadequate for their purposes; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the owners of freehold estates, either in possession or reversion, in common or in severality in the aforesaid marsh meadow lands within the boundaries of the tract above described, shall be and they are hereby erected into a body politic or corporate, under the name, style, and title, of "The Kingessing and Tinicum Meadow Company," and the said marsh meadow shall be called and known as "The Kingessing and Tinicum Meadow District." Style.

SECTION 2. It shall and may be lawful for the said company, or so many of its members as shall see fit, to meet together on the fourth Monday after the passage of this act, and on the first Monday of March in every year thereafter, at three o'clock in the afternoon at the Blue Bell tavern in the township of Kingessing, or at such other convenient place as may be hereafter appointed by the managers chosen under this act, of which time and place due public notice shall be given by the treasurer so also to be chosen, and then and there in person or by proxy to elect or chose by ballot or ticket in writing seven suitable persons members of the said company to be managers, and one person to be treasurer of the said company for the year next ensuing or until the next election: *Provided nevertheless,* That one of the said managers shall be elected or chosen from among the owners of freehold estates in each of the six districts within the said boundaries now under the management of meadow companies incorporated by law, and one manager from among the owners whose lands are not within the present incorporated districts; it being distinctly understood that for all the purposes of this act that portion of the lands under the care of the Carpenters Island Meadow Company, which are included within the boundaries set forth in the preamble hereunto, shall be held and esteemed one of the six districts aforesaid: *And provided also,* That the person who shall have received the highest number of votes as manager for either of such districts, shall be deemed and taken to have been duly elected without regard to his having had an absolute majority of all the votes cast, and so also in respect to the person who shall have received the highest number of votes as manager for the tract not incorporated. Organization.

SECTION 3. In case of any vacancy by death, resignation, cessation of ownership, or otherwise, of any of the said managers, those remaining shall fill such vacancy by the appointment of a member of the said company owning lands in the district in which the vacancy occurred, to serve as manager until the next annual election; in the event of a vacancy in the office of treasurer, the managers shall appoint another person in his stead, who shall perform all the duties of the office in the same manner as if he had been elected as provided for in the second section. Vacancies how supplied.

SECTION 4. Each and every member of the company shall be entitled to one vote at its elections for every acre of land owned by him not exceeding ten, and to one vote for every ten acres exceeding that number: *Provided,* That no person shall be entitled to more than thirty-five votes. Votes.

SECTION 5. The elections aforesaid shall be opened and held by three judges, who shall be chosen from among the members of the company by such of the members as may be present at the time appointed for holding such election; and in the event that no such judges can be chosen, it shall be lawful for such of the managers as shall be then present to appoint three suitable persons, owners as aforesaid, judges of such election, and the said judges shall after the election certify to the Judges of election.

managers of the said company the names of such persons as shall have been elected managers and treasurer for the ensuing year.

Officers.

SECTION 6. The said managers shall meet at such times as they may agree, and shall at their first meeting after their election, or as soon thereafter as conveniently may be, choose one of their number president of their board for the coming year, and may also choose a secretary and such other officers as they shall think expedient. Four managers shall form a quorum for the transaction of business.

Treasurer to give security.

SECTION 7. The treasurer shall, before he takes upon him the execution of his office, give adequate security in double the amount of moneys which may probably come into his hands for the performance of his trust, in such form as the managers may direct.

By-laws.

SECTION 8. The managers shall have power to adopt such by-laws, rules, and regulations, as may be deemed expedient for the well-being of the said company: *Provided nevertheless*, That no such by-laws, rules, or regulations, shall contravene the constitution or laws of this Commonwealth. The duties and powers of the officers of the company shall be such as the by-laws may prescribe; the members of the company may, however, at their annual or other meetings, repeal and annul any such by-laws, rules, and regulations.

Survey to be made.

SECTION 9. The said managers may as soon after their elections as practicable, cause a survey to be made for the purpose of determining the precise boundaries of the said Kingessing and Tinicum Meadow district, and of ascertaining the number of acres of marsh meadow land held by each person owning lands therein: *Provided however*, That the said managers may at pleasure ascertain the said boundaries and number of acres by agreement with the owners of the different tracts, or from the books of the assessors of the township in which any of the lands may lie, or they may receive the estimates heretofore made for, or by the companies having charge of the districts in which any of the said lands may be situate.

Record.

SECTION 10. The said managers shall keep a record in which shall be distinctly noted and stated the name of every person owning said lands within the boundaries of the said Kingessing and Tinicum Meadow District, and the number of acres held by each of them, for the purpose of regulating assessments and determining the right to vote at elections.

Powers of said company.

SECTION 11. It shall and may be lawful for the said managers, their officers and agents, from time to time as they shall judge necessary, to enter upon all and every part of the lands within the boundaries of the said Kingessing and Tinicum Meadow District, and to inspect, build, make, alter, enlarge, repair, rebuild, support, and maintain all dams, banks, cross-banks, walls, sluices, flood-gates, footings, and other works and things necessary for the drainage, embankment and protection of the said tract, without regard to any allotments, divisions or districts heretofore made, it being the true intent and meaning of this act that all the dams, banks, walls and sluices, flood-gates, footing-drains and footings, or spaces so called, between the footing-drains and the banks, and other devices for the complete draining and embanking of the said tract of land (the divisions and internal ditches only excepted) shall be made and repaired by and under the superintendence of the managers aforesaid; and it shall and may be lawful for the said managers, their officers and agents, to enter on any lands in the said tract, and to take and carry away any stone, earth, gravel, or other material which shall be required for the construction or repair of any of the works aforesaid, the value of which stone, earth, gravel, or other material, shall be paid

to the owner of the lands, and shall be assessed in the manner herein-after provided.

SECTION 12. It shall be the duty of the said managers to sow the said banks and footings with proper grass seed from time to time, when it shall be necessary to cut or mow all grass, thistles, elders, and noxious weeds which may grow on the same, to keep them free and clear of all trash and rubbish deposited by tides and inundations, and to provide for the destruction of musk-rats and animals injurious to the said banks, footings, and other works. Duty of managers.

SECTION 13. It shall and may be lawful for the said managers, at such times and so often as they shall see fit, to direct and order that new drains and ditches be made where necessary, or that those which are already made be enlarged or scoured, so as to convey or draw the water from any lands to the sluices or flood-gates, to apportion the cost of making, enlarging, or scouring the same among the persons benefitted thereby, to order such compensation as shall appear just and reasonable to those who may be injured, and to compel payment of such apportioned cost in the manner hereinafter provided: *Provided nevertheless*, That the said managers, if they deem the benefit of any such work to be general in its character, may cause the expense, or any part thereof, to be defrayed out of the common funds of the company. Drains.

SECTION 14. It shall and may be lawful for the said managers to lay Taxes. and collect such equal assessments or taxes upon each and every acre of the marsh meadow lands within the said Kingessing and Tinicum Meadow District as they shall judge requisite and necessary for the purposes of this act: *Provided however*, That no such assessments or taxes shall be laid upon or collected from the lands now held by John P. Crozier, Clement Erwig, John Trites, Eliza Bowman, and Samuel Hill, until the said managers shall have assessed and collected taxes to the amount of two dollars per acre on all other lands in said meadow district.

SECTION 15. The said managers may convene the company in general meeting on reasonable notice whenever the interests of the same require it. They shall submit to the company at its annual meeting for the election of officers a full and fair statement of the condition of the banks and other works in their charge, together with a full account of all moneys received and expended during the year, and they shall also produce for the inspection of the meeting, or such committees as it may appoint, all books and accounts belonging to the company. Statement of affairs.

SECTION 16. It shall be the duty of the said managers to cause fair lists of the names of all persons holdings lands within the said Kingessing and Tinicum Meadow District at the time of each assessment to be made, together with the number of acres owned by each of them, and the amount of tax imposed on each in respect of his lands, and to issue their warrants with the said lists attached directed to the treasurer, authorizing and requiring him to demand and receive from every person in the said lists the sum wherewith he may be charged. All moneys which shall come into the hands of the treasurer shall be at the disposal of the managers, and shall be paid by him to such person or persons, and under such form of authorization as they the said managers shall direct and appoint. Lists of names, &c., to be made.

SECTION 17. It shall and may be lawful for the managers of the said company, whenever it shall seem expedient, to change the present or any future line of the banks so as to include within them any islands, flats, or guards outside of the same, with the consent of the owners thereof, and in like manner it shall be lawful for them when necessary for the safety of the rest of the meadow lands, so to alter or change the line of Line of the banks authorized to be changed.

the banks as to throw outside of them any portion of the present or future embanked meadow lands: *Provided however*, That the value of the lands so thrown out shall be assessed and paid to the owner in the manner hereinafter provided: *And provided also*, That the said managers shall not so alter the line of the banks as to include therein any lands not now within the same; nor build any new cross-banks without the consent of the company in general meeting first obtained

Duties of persons owning lands within said district.

SECTION 18. It shall be the duty of all persons owning lands within the said Kingessing and Tinicum Meadow District, to mow or cut all thistles growing on their respective lands; and it shall be lawful for the said managers, at such time or times as they shall think necessary, by written or printed advertisement published at least six places within the boundaries of the said tract, to notify and require the owners of lands therein to cut or mow all elders, thistles, or other noxious weeds growing on their respective lands; and if the said owners or any of them should neglect so to do for the space of ten days after the publication of the said advertisement or notice, then it shall be the duty of the said managers to employ a sufficient number of men to cut or mow the same, and to charge the cost of so doing to the person or persons so neglecting, which cost shall be recovered in the manner hereinafter provided.

Survey.

SECTION 19. It shall be the duty of the said managers as soon after their election as conveniently may be, to cause a survey of the whole of the banks, sluices, dams, and drains, of the meadow lands in the said Kingessing and Tinicum Meadow District to be made; and they shall also make an estimate of the cost of putting the banks of each of the now incorporated districts into good and substantial order and repair; and having so estimated the said cost, shall proceed to rate and assess upon each and every owner of lands within the said incorporated district, his and their just and proper proportions according to the number of acres of meadow land held by each of them, of the estimated cost of so repairing the banks of the particular district in which their lands may respectively be situate; and they shall also make an estimate of the cost of putting the banks of any meadow lands not heretofore in any incorporated district, into good and substantial repair, and having so estimated the said cost, shall proceed to assess the same on the owners thereof; and where such meadow banks have been heretofore maintained in common by two or more owners, the said assessments shall be made in conformity with any existing agreement between such two or more owners, all of which rates or assessments shall be collected in the manner hereinafter provided.

Old bank of Long Hook creek.

SECTION 20. It shall be the duty of the managers of the Long Hook Meadow Company to rebuild the old bank of Long Hook creek, from the northwestern end of Long Hook dam to the bank of Darby creek, at the full height of the said creek bank, and it shall be the duty of the Kingessing and Tinicum Meadow Company, in common with the Darby Creek Meadow Company, to maintain the said Long Hook dam at the full height of the said creek bank at all times forever, the expense of so doing to be equally borne by the two companies aforesaid.

Penalty for injuries to works.

SECTION 21. If any person shall wickedly and maliciously break, injure, damage, or cut any of the dams, banks, sluices, or other works of the said the Kingessing and Tinicum Meadow Company, or shall take or carry away any wood, stone, iron, or other materials used in or about the said dams, banks, sluices, or other works, or any tools, implements or other property belonging to the company, such person shall on conviction thereof before the Court of Quarter Sessions of the

proper county, in addition to the other penalties provided by law for such offence, forfeit and pay to the use of the said company triple the amount of the damage done or the value of the thing taken, which damage or value shall be assessed by two or more indifferent persons appointed by the court which tried the offence for that purpose.

SECTION 22. All creeks, ditches, or other water courses which now are or hereafter shall be made in the said Kingessing and Tinicum Meadow District, which shall be of the width of nine feet and of the depth of three feet, shall be held and esteemed in all respects lawful fences or enclosures.

Width of creeks,
ditches, &c.

SECTION 23. If the managers aforesaid cannot agree with the owner of any lands which may have been thrown outside of the line of the banks, in pursuance of the eighteenth section of this act, or with the owner of any lands from which they may have taken any stone, earth, gravel, or other material, under powers given in the eleventh section of this act upon the value of the same, it shall and may be lawful for the parties to refer all matters in dispute to three disinterested persons, whose award shall be final and conclusive on the parties, but if they cannot agree on such persons, the Court of Common Pleas for the county in which the lands so thrown out, or from which the said stone, earth, gravel, or other material shall have been taken are situate, on application thereto by either party, shall award a venire directed to the sheriff of the said county to summon an inquest of six judicious men of the said county, to ascertain and report to the said court what damages, if any, have been sustained by the owners of the lands so thrown out, or from which the said materials may have been taken, which said inquest having been duly sworn or affirmed, and having viewed the premises, shall make their assessment and report to the court, which report having been confirmed, judgment shall be entered thereupon, and shall have the same force and effect as judgments in other cases: *Provided, nevertheless*, That either party may appeal to the court within thirty days after such report has been filed in the office of the prothonotary of the said court in the same manner as appeals are allowed in other cases: *Provided also*, That if the said managers, or either of them, at any time before application be made to the court, shall tender to the person aggrieved a sum of money in full compensation for his land so thrown outside of the bank, or for his stone, earth, gravel, or other material so taken, the said company shall not be liable for costs on any subsequent proceedings, unless such person shall recover an amount thereby greater than that previously tendered by the said manager or managers.

Damages, how
adjusted.

SECTION 24. If any owner of lands in the said first described tract shall think himself aggrieved by any order or proceeding of the said managers, not specifically otherwise provided for by this act, the said owner may, if he think proper, choose two fit and disinterested persons, and the said managers shall also choose two other fit and disinterested persons, who if need be shall choose a fifth disinterested person, and the persons so chosen, or any three of them, shall finally settle the same and other matters and things in dispute which shall be referred to them by the parties.

Further pro-
ceedings in fix-
ing damages.

SECTION 25. It shall be the duty of the said managers to make and keep a fair and correct registry of all taxes, assessments, apportionments, and charges imposed or made under the provisions of this act; in which register shall be entered the name or names of the person or persons charged with such taxes, assessments, apportionments, or charges, a description of the lands or estates in respect of which they may have been imposed or made, and the amount of the same.

Registry of
taxes.

LAWS OF PENNSYLVANIA,

Claims for taxes, &c., to be filed.

SECTION 26. It shall and may be lawful for the said managers when and as often as they shall see fit, to file in the office of the prothonotary of the Court of Common Pleas of the proper county, claims for any taxes, assessments, apportionments, or charges imposed or made under the authority of this act; which claims shall state the name of the owner or reputed owner of the lands in respect of which the said taxes, assessments, apportionments, or charges imposed or made *under the authority of this act; which claim shall state the name of the owner or reputed owner of the lands in respect of which the said taxes, assessments, apportionments, or charges may have been imposed or made*, shall describe them with sufficient certainty, and shall designate the sum or amount of money charged thereupon, which said claim shall be and continue liens on the said lands for the term of five years from the time of filing the same, and shall have priority to and be fully paid and satisfied before any liens which the said lands may become charged with or liable to from and after the passing of this act, saving and excepting the liens of public taxes.

Proceeding to collect said claims.

SECTION 27. It shall and may be lawful for the said managers, in the name of "The Kingessing and Tinicum Meadow Company," to proceed to recover the amount of the said claim by scire facias in the same manner as is provided by law with respect to mechanics' claims, which scire facias shall be served on the owner or reputed owner of the premises in the manner provided by law for the service of writs of summons in personal actions; or if such owner or reputed owner be not found within his bailiwick, they may be served by the sheriff of the proper county, by posting a true and attested copy of the said writ of scire facias on a conspicuous part of the premises, and by publishing a brief notice thereof in a newspaper published in said county, once a week for three weeks before the return day, on which service the said company may proceed to recover judgment in the same manner as in suits on mechanics' liens.

Claims may be read in evidence.

SECTION 28. Such claims may in suits thereon be read in evidence of the facts set forth, and no plea alleging non-joinder or mis-joinder of the parties, nor any plea averring want of notice of assessment or apportionment, or touching the rates or proportions of contributions among parties jointly interested, nor any plea touching ownerships shall be allowed in such action.

Levari Facias.

SECTION 29. In all cases of levavi facias on such claims, the sheriff's hand-bills and advertisements shall set forth the name of the party plaintiff, and the nature and character of the claims, in default whereof the sale under such writ may be set aside by the court.

Fees of prothonotary.

SECTION 30. The fees of the prothonotary for any service in relation to such claims or suits shall be the same as is provided by law in cases of mechanics' claims and suits to recover the same.

Actions of debt.

SECTION 31. It shall also be lawful for the said managers to institute actions of debt in the name of the said company against the owner or reputed owner of any lands within the said Kingessing and Tinicum Meadow District, for the recovery of the amount of the tax, assessment, or charge imposed thereupon, and to proceed to judgment and execution therein in the same manner as allowed in other cases.

Repeal.

SECTION 32. All laws heretofore passed incorporating companies for the care and management of the banks protecting lands within the last-mentioned district, or any portion of them so far as they are inconsistent with or supplied by this act, are hereby repealed, except for the purpose of collecting arrears of taxes due said companies, and paying the debts of the same, for which purpose the present officers of said companies are continued in office.

SECTION 33. The Legislature hereby reserves the right to alter, amend, or repeal this act, whenever in their opinion it may become necessary for the public advantage so to do. Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 225.

A N A C T

Incorporating the congregation of United Brethren of the borough of Bethlehem and its vicinity.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the congregation of United Brethren, commonly called Moravians, of the borough of Bethlehem and its vicinity, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style, and title, of "The Congregation of United Brethren of the borough of Bethlehem, and its vicinity." Incorporate.
Style.

SECTION 2. That the said corporation by the same name, style, and title, shall have perpetual succession, and be able to sue and to be sued, to plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold, and receive, to them and their successors in trust, for and also to the use of the said congregation any lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal, or mixed, which are now or shall or may at any time hereafter become the property of the said congregation or body politic by purchase, gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, improve, or dispose of, for the use and benefit of the said congregation: *Provided,* That the clear yearly value or income of the estate, real, personal, and mixed, of the said congregation, exclusive of the moneys arising from annual stated contributions of the said congregation, and from opening any ground thereto belonging for burials, shall not at any time exceed the sum of ten thousand dollars; nor shall it be lawful for said corporation to hold and enjoy at any one time more than four hundred and fifty acres of land, except such lands as shall be purchased at sales upon judgment of any person or body politic, where the same may be necessary to secure any debt due to the said congrega- Privileges.

tion, nor to appropriate any of the surplus funds of said corporation to any other than charitable or religious or such other purposes as shall expressly be specified in this act.

Misnomer. SECTION 3. No misnomer of said corporation or their successors shall defeat or annul any gift, grant, devise, or bequest, to or from the said corporation: *Provided*, the intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will, or other writing whereby any estate or interest was intended to pass to or from the said corporation.

Trustees. SECTION 4. The secular business of the said corporation shall be conducted by six trustees, of whom four shall be a quorum, and who shall choose from among their number a president, and may appoint a secretary and a treasurer to serve for the ensuing year, either from among themselves or from among the members of the congregation qualified to be elected as trustees according to the fifth section of this act; the secretary shall keep true and correct minutes of the acts and proceedings of the board of trustees, and the treasurer shall receive, disburse, and account for all moneys coming into his hands belonging to the said corporation, and shall if required by the said trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before the congregation at a meeting convened for that purpose at least one week before the general annual election; the said trustees may likewise appoint such other officers as they may from time to time deem necessary for the proper management of the secular affairs of the congregation, and they may allow such compensation to all officers appointed by them for services rendered as they may deem just and reasonable; and the said trustees may also at any time remove any of the officers appointed by them, and appoint others to supply their place, when in their opinion the interests of the congregation require it; the said trustees shall also fix upon the amount of contribution to be paid regularly, yearly, or half-yearly by every member of the congregation of twenty-one years of age and upwards, at the rate of not less than fifty cents and not more than one dollar annually from any one member, and collect the same, and shall have power to exonerate members on account of their disability to pay if they deem it just and expedient, and they shall annually inquire, ascertain, and report to the board of elders whether any member or members have failed or refused to pay their contribution within the current year, on which report the board of elders shall take such action and make such order as shall by them be deemed expedient and right.

Who allowed to vote at elections. SECTION 5. The first election of trustees under this act shall be held within six weeks after the same shall have become a law, and shall be conducted by three members of the congregation to be chosen by a majority of all the male communicant members above twenty-one years of age convened for the purpose, at which election, the day and hours of which are to be fixed upon by the persons who shall be elected as aforesaid for conducting the same, six persons qualified according to this section shall be chosen to serve as trustees until their successors respectively are elected; and the trustees so elected shall meet on the first Tuesday after their election, and shall at their first meeting divide themselves by lot into three classes, the time of service of the first class shall expire on the third Thursday in the month of December, one thousand eight hundred and fifty-one, the time of service of the second class shall expire on the third Thursday in December, one thousand eight hundred and fifty-two, and the time of service of the third class shall expire on the third Thursday in December, one thousand eight

hundred and fifty-three, so that one-third may be chosen every year after the first election; and at each succeeding election, which elections are to be held on the said Thursday in the month of December in every succeeding year, or at such other time as may be prescribed by the by-laws, two persons qualified according to this section shall be elected to serve as trustees for three years; and at any election to be held in pursuance of this act the persons having the greatest number of votes, if duly qualified otherwise, shall be declared duly elected to their respective offices for which said persons were named on the ballots of the electors; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot drawn by the persons appointed to conduct the election; and all such elections shall be conducted by three persons, being full communicant members of this congregation, who shall annually be appointed by the aforesaid trustees, or a majority of them, and of all of which elections at least one week's notice shall be given by announcement from the desk or pulpit, or in some other public manner: *Provided*, That no person shall be eligible as a trustee who is not at the time of his election a citizen of this Commonwealth, and shall not have attained the age of twenty-five years, and who shall not have been at least one year preceding his election a communicant member of this congregation, and shall have paid his annual stated contribution, if any was collected towards the discharge of the expenses of the congregation, within one year next preceding his election according to his ability, nor shall any person hold and exercise the office of trustee after he shall have ceased to be a member of the said congregation; and in case of vacancy by death, resignation, disability, refusal or neglect to serve, or otherwise, the vacancy or vacancies shall be supplied by the remaining trustees until the next annual election.

SECTION 6. If the congregation neglect on the day of the annual election to hold their election as is herein directed, the said corporation shall not be dissolved, but a majority of trustees remaining in office may appoint any subsequent time not exceeding four weeks at which the election may be held, of which time and place at least one week's notice to the congregation shall be given by announcement from the pulpit or desk, or in any other public manner a majority of the remaining trustees may direct: *Provided*, That in case the trustees shall neglect or refuse to appoint the persons who are to conduct the election according to the fifth section of this act, then ten members qualified to vote according to the seventh section of this act may call a meeting of the qualified voters for the purpose of electing the said three persons to conduct the election according to the fifth section of this act, by giving at least one week's public notice of the time, place, and object of such meeting.

SECTION 7. Any male communicant member of said congregation who shall have attained the age of twenty-one years, and shall have paid within one year his stated contribution toward the discharge of the yearly expenses of the congregation, if any was collected, unless he became twenty-one years of age after any contribution was due, and also all ordained ministers being full members of this congregation and no other, shall be entitled to vote at the elections of said congregation or at any meeting of the said congregation; and all elections shall be by ballot, all notices of elections and meetings of the congregation shall be published from the desk or pulpit on an occasion of public worship, or in such other way as the board of trustees shall direct, and in all cases a majority of the duly qualified voters shall govern at meetings of the congregation, and all meetings of the congregation shall in the first place

Neglect to hold annual election not to dissolve corporation.

Votes.

be called and ordered by the board of trustees or board of elders, as the case may be; but if they refuse to call such meeting at any time upon the written request of any ten or more voting members of the church, any twenty or more members may appoint a meeting upon their own motion by giving public notice thereof for at least ten days previous to the holding of such meeting.

Board of elders.

SECTION 8. The board of elders shall be composed of the minister or ministers or assistant minister or ministers for the time being, and two elders, three of whom shall be a quorum, of which board the senior minister or pastor shall be president, and the said members of the board of elders shall choose from among their number a secretary, as also in case of absence of the president a president pro tem. The first election for elders under this act shall be held at the same time and place and conducted in the same manner and by the same persons as the first election for trustees, of which election two persons duly qualified shall be chosen to serve as elders until their successors respectively are elected; and the said board of elders shall met on the first Wednesday after the election, and the said two so elected members of the board shall decide between themselves by lot which of the two is to serve as an elder until the third Thursday in the month of December, one thousand eight hundred and fifty-one, and which is to serve until the third Thursday in December, one thousand eight hundred and fifty-two, so that one person may be chosen for elder every year after the first election; and at each succeeding election, which elections are to be held at the same time and place and in the same manner, and to be conducted by the same persons as provided for and directed in section fifth of this act, for the election of trustees, one person duly qualified shall be elected to serve as elder for two years: *Provided*, That nothing herein contained shall be so constructed as to prevent any duly qualified person from serving at the same time as a member of the board of trustees and as an elder: *And provided further*, That in case of vacancy by deaths or otherwise among the said elders as elected, the remaining members of the board of elders may supply the vacancy until the next annual election from the members of the congregation duly qualified: *And provided further*, That no one shall be elected an elder who is not twenty-five years or more of age, and a full communicant member of this congregation or of the Church of the United Brethren, according to the rules and principles of the same, of at least two years standing, and himself qualified to vote according to the seventh section of this act.

Vacancies in said board, how supplied.

Who are to be ministers, &c., of said congregation.

SECTION 9. No person or persons shall be minister or ministers, or assistant minister or assistant ministers of this congregation, or shall be allowed to act as such who shall not have been from time to time duly appointed by the proper authorities according to the recognized rules and principles of the northern sections of the Church of the United Brethren in the United States of America, nor shall any minister or assistant minister continue to officiate any longer in this congregation unless with the consent of the said authorities after his appointment shall have been revoked by the said duly constituted authorities of the said Church of the United Brethren; but whenever in case of a vacancy by death or otherwise in the pastoral offices of the congregation a person duly qualified has been appointed by the proper authorities of the Church of the United Brethren as above directed, and after the president for the time being of the board of trustees shall have been notified of the same, he shall within one week convene the members of the board of trustees and of the board of elders, at which meeting he shall preside, and the name of the so appointed person shall be laid by him before the said meeting, and it shall be decided by a ma-

jority of all the members present at the said meeting whether the person whose name has so been laid before them shall be accepted or not; but the said meeting shall have no right to propose to the proper authority of the church any other persons as candidates for the pastoral office; and the said trustees and their successors shall at all times and forever hereafter make suitable provisions for a decent and adequate salary of the ministers or assistant ministers duly appointed as hereinbefore directed, and shall in no case prevent the said minister or assistant ministers in any meeting houses, or houses of worship belonging to the said congregation, from expounding and explaining God's holy word, nor from executing the discipline of the Church of the United Brethren and administering the sacraments therein according to the doctrine and discipline of the said Church of the United Brethren in the United States of America.

SECTION 10. The said board of elders shall have full power and authority at all times to ordain and establish such by-laws, ordinances, rules, and regulations as shall be necessary and proper for their own government; and said board shall be the executive body to carry out the principles and rules now in force, or which may from time to time be enacted by the proper authorities of the Church of the United Brethren in the United States of America for regulating the discipline of the members of the congregation and for promoting religion in the same; and they as well as the trustees may convene and call together for their aid the members of the said congregation entitled to vote at elections upon any occasion for any purpose belonging to said congregation: *Provided*, That all the acts of the said board of elders shall be conformable to and in nowise inconsistent with the principles and constitutions of the Church of the United Brethren in the United States of America: *And provided further*, That nothing in this act shall be so construed as to prevent the said board of elders from expelling any member according to the rules and regulations of the Church of the United Brethren in the United States of America, and by such expulsion depriving him or her of all the rights and privileges hereby granted, subject nevertheless to an appeal to the board of brethren, who according to the rules and constitution of the northern section of the Church of the United Brethren in the United States of America, are or may be appointed to superintend the general concerns of the said section of the church.

SECTION 11. The said trustees and their successors shall have the control over and management of all the secular and pecuniary affairs of said congregation, the care of the house or houses of worship, parsonage or parsonages, school house or school houses, and all other church property now or hereafter belonging to the said congregation, and all other temporal concerns and business of the congregation; and they and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their own government, and for the regulation and transaction of the secular business of the congregation, and also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure, and shall have power also to change the time and place of holding the general elections of the said congregation, if the same should be deemed advisable, and all bonds, notes, judgments, and mortgages to be given, made, and executed, and all deeds for any real estate sold at any time shall be made, signed, sealed, executed, and delivered by the trustees, or a majority of them, for the time being: *Provided*, That the said trustees and their successors shall have full power to sell and make title to such lots of ground as are or may be appropriated for the purpose of burial by

By-laws.

Powers of trustees.

said congregation, and likewise such lots or pieces of land as may be intended to be used for town lots, or whenever in any case for any piece of land belonging to the said congregation, such a price should be agreed upon with the purchaser as would not be less by the acre as the average price of unimproved town lots sold within the limits of the borough of Bethlehem within the previous year; but the said trustees and their successors shall not dispose of, alien, sell, or in any way encumber the other real estate belonging to the said congregation, except in such cases as hereinbefore specified, nor contract any debt or debts exceeding in the aggregate the sum of one thousand dollars, without the assent and concurrence of a majority of the male members of the congregation qualified to vote present at a meeting to be held for that purpose: *And provided further*, That the said rules, by-laws, and ordinances, and all the acts of the said trustees framed and enacted and promulgated, shall not be contrary to this charter nor to the Constitution and laws of this Commonwealth or of the United States, and shall be in conformity to the rules and principles of the Church of the United Brethren in the United States of America, and not in anywise inconsistent with the same.

Rents, profits
&c.

SECTION 12. The rents, profits, and interests of the real, personal, and mixed estate of the said congregation and corporation shall by the said trustees and their successors from time to time be applied and laid out for the maintenance and support of the gospel ministry in said congregation, for maintaining and repairing their church or churches, in case any more should be added to that already built, place of public worship, burial grounds, parsonage houses, school houses, or other houses and buildings which now do or hereafter shall belong to the said congregation and corporation, and for home or foreign missionary, or such other pious and charitable uses as shall be thought proper by the said trustees and their successors, or a quorum of them, or as may be specified in this act.

Appropriation
to schools.

SECTION 13. It shall be the duty of the said trustees and their successors, and they shall have the authority and power to appropriate annually out of the income of the real, personal, and mixed estate of the said congregation, for the use of the schools of the said congregation, any sum as shall be necessary for defraying the annual expense of the same, not exceeding one-third part of the clear income of the last preceding year: *Providing*, That the expenses for erecting and building the necessary school houses, and for acquiring the lots of ground required thereto, be otherwise provided for by the said trustees out of the funds of the said congregation: *And provided further*, That all children of five years of age and upwards be admitted to the said school, whose parents or one of them are members of the congregation, and who shall be willing to submit to the rules and regulations of the said school, to which school the children of others besides members may be admitted on such terms and under such rules and regulations as the school board may find expedient.

Appropriation
to be paid quarterly.

SECTION 14. The said yearly appropriation for the use and benefit of the congregation school shall be paid over in quarterly equal payments (the first payment to be made on the first day of July, Anno Domini, one thousand eight hundred and fifty-two) by the said trustees to the treasurer of the school board. The school board shall be composed of all the members of the board of elders, and of three members of the congregation qualified to be eligible as elders, who shall at the annual election be elected to serve for one year, or until others be elected in their place, at the same time and place and in the same manner as the elders are to be elected according to the provisions of this act; the said

school board, at whose meetings the president of the board of elders shall preside, shall have the control over and management of the said congregation school; and a majority of the members of the said school board shall upon all occasions, and for the transaction of all business, constitute a quorum, and they shall appoint from amongst themselves a secretary and a treasurer.

SECTION 15. The said trustees shall have power to purchase, have, hold, and enjoy to them and their successors, such tract or parcel of land and other property conveniently situated near or within the limits of the borough of Bethlehem as may be suitable for a new cemetery or burial place exclusive of the one now in use, and they shall have power to lay out and ornament or embellish the ground purchased or procured by them for a cemetery to enclose the same, and to erect such buildings thereon as may be necessary for the enjoyment and management thereof; to lay out, sell, and dispose of burial lots to members of the congregation and others, reserving a due proportion of the grounds for the interment without charge deceased members of the congregation, in conformity with the usages of the United Brethren, and they shall or may appoint the necessary officers and superintendents, fix their several duties and compensations, and make such by-laws, rules, regulations and ordinances as they may deem proper for the government of lot-holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

SECTION 16. Every lot conveyed in the said cemetery shall be transferable with the consent of the trustees, and shall not be subject to attachment or execution.

SECTION 17. No enumeration of powers, privileges, and duties herein contained shall be so construed as to exclude others not enumerated which are necessary to the proper fulfilment of the design and purpose of this act, and not inconsistent with its express provisions and limitations.

SECTION 18. The Legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same be injurious to the citizens of the Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 226.

AN ACT

To authorize Henry Wilton to construct a dam or breaker in the river Susquehanna.

Henry Wilton authorized to construct a dam. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Henry Wilton, of the borough of Wrightsville, in the county of York, his heirs or assigns, be, and they are hereby authorized to erect and maintain a dam or breaker in the Susquehanna river, with necessary booms and anchors.

Location.

SECTION 2. That the dam is to start from the western shore of said river, on property of the said Henry Wilton, in Hellam township, and to extend into the river two hundred and fifty feet, more or less, to or near the rafting channel, to be of such dimensions as he may think fit to protect arks, rafts, or boats from the effects of high water or ice: *Provided*, It shall not do any damage to private property, or interfere with the rafting channel.

Penalty for injuries.

SECTION 3. That if any person or persons shall wilfully or maliciously injure or destroy any part of the dam, booms, or other work connected therewith, or untie any rope, or loosen any fastening by which the rafts, arks, or boats are attached to the dam, booms, or anchors, he or they shall pay the amount of the damage to the owners, to be recovered by actions of trespass, and further, to be liable to indictment and prosecution before the court of Quarter Sessions for a misdemeanor, and on conviction shall be sentenced to pay a fine for the use of the county not exceeding one hundred dollars, and to suffer imprisonment in the county jail not exceeding six months.

Toll.

SECTION 4. That Henry Wilton, his heirs or assigns, shall have the right to charge and collect toll or boomage on all arks, rafts, and other crafts landing and lying either above or below the breaker, or attached to the dam, booms, or anchors, to wit: All rafts, arks, or other crafts not purchased by or belonging to persons owning or occupying shore or landings of their own in the borough of Wrightsville, shall have the privilege of landing and lying twelve hours, free of toll; one dollar for every ark or raft lying longer than twelve hours, and not more than twenty-four hours; two dollars for every ark or raft lying longer than twenty-four hours, and not more than ten days; three dollars for every ark or raft lying longer than ten days, and not more than ten months; five dollars for every boat lying under the wall for protection over four days, and not more than six months.

Not to infringe on the rights of the Columbia Bank and Bridge Company.

SECTION 5. That nothing contained in this act shall be construed to interfere in any manner with the right of the Columbia Bank and Bridge Company to use and occupy the western bank of the river for the purposes of a ferry, nor shall the said Wilton or his heirs or assigns at any time permit the rafts, arks, or other craft attached to said boom, or lying below the breaker aforesaid, to extend below the line of his

own premises, or in any way to interfere with the free navigation of the river or the tide water canal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

We do hereby certify that the bill entitled "An Act to authorize Henry Wilton to construct a dam or breaker in the river Susquehanna," was presented to the Governor on the twenty-first day of March, one thousand eight hundred and fifty-one, and was not returned within ten days (Sundays excepted) after it had been presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

SAMUEL W. PEARSON,
Clerk of the Senate.

Harrisburg, April 3, 1851.

No. 227.

AN ACT

Relating to County Prisons, to the Foster Home Association, and Cawanesque Plank Road Company, to apportion the rent of wharves and docks in the port of Philadelphia, and relative to the service of process on foreign insurance companies and other corporations.

WHEREAS, It has long been the policy of this government to combine the separation of convicts one from another with instruction and suitable manual labor, as the best means of discipline and reformation; Preamble.

And whereas, It is necessary to the equality of penal justice that the administration of the county prisons shall be uniform, as has been heretofore declared; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every county prison which shall be hereafter erected within this Commonwealth shall be so constructed that every person committed thereto, whether upon conviction or otherwise, may be confined separate and apart from every other person committed thereto, due regard being had in the plan of construction to the health of the persons to be so confined; and that before any county prison shall be erected within this Commonwealth, the plan of construction of such prison, drawn sufficiently in detail for the clear comprehension thereof, shall be submitted by the commissioners of the county in which the same is to be built to the Secretary of the Commonwealth, and shall be inspected and approved

County prisons,
how to be constructed.

Plan of construction to be submitted to the Secretary of the Commonwealth.

by him, and so certified by him upon the plan, a copy of which shall be furnished by the commissioners aforesaid at the time of their submitting the original as aforesaid, and shall be signed by the said secretary and be filed and remain in his office.

Foster Home Association may change time of holding annual elections.

SECTION 2. That the Foster Home Association may change the day of its annual meeting and election to such day as its members may find convenient, and until otherwise altered it be hereafter held on the first Tuesday of January in each year.

Cawanesque Plank Road Company, relative to.

SECTION 3. That the Cawanesque Plank Road Company is hereby authorized to commence the construction of their road at any point between Lawranceville and Knoxville, and when any three or more miles thereof shall have been completed to erect a toll-gate or toll-gates for the collection of tolls as provided in the act entitled "An Act for the regulation of Turnpike and Plank Road Companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto: *Provided*, Said company may regulate the tolls thereon without regard to the width of wheels in any case.

Location of road.

SECTION 4. That said company is hereby authorized to locate their road on the bed of the present public road, or otherwise, as they may deem most expedient to the interest of the company and convenience of the citizens.

Relative to wharves and docks in the port of Philadelphia.

SECTION 5. That in all cases when the owner or owners of adjoining wharves, docks, landings, or river front, or any part or portion thereof in the port of Philadelphia, shall disagree as to the proper apportionment of the wharfage or dockage payable to them in accordance with their titles by persons making use of the same, or by vessels lying in front thereof, it shall be the duty of the master warden and board of wardens of said port upon the written application of one or more of such owners, and the said wardens are hereby authorized and required after notice to the parties interested, and in accordance with the established custom and usages of the port, or where there is no such usage then as justice and equity may require, to determine the relative proportions of such wharfage and dockage belonging to the several proprietors of said adjoining wharves, docks, landings, or river front, or any parts thereof: *Provided*, That nothing herein contained shall be construed to authorize the said wardens to take cognizance of any questions involving the title to such property; but such jurisdiction and the power to enforce the rights of the owners of said wharves, docks, landings, or river front, to wharfage and dockage from persons or vessels heretofore or hereafter using or lying opposite to the same, shall exist and remain in the proper courts of law.

Service of process on foreign insurance companies and other corporations.

SECTION 6. That in any case when any insurance company or other corporation shall have an agency or transact any business in any county of this Commonwealth, it shall and may be lawful to institute and commence an action against such insurance company or other corporation in such county, and the original writ may be served upon the president, cashier, agent, chief, or any other clerk, or upon any directors or agent of such company or corporation within such county, and such service shall be good and valid in law to all intents and purposes.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eighth hundred and fifty-one.

WM. F. JOHNSTON.

No. 228.

AN ACT

Authorizing the incorporation of the Farmers' and Mechanics' Bank of Easton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* David Connor, Edmond B. Meixsell, Peter S. Michler, George A. Hice, Russell S. Chidsey, Christopher Nicholas, John Stillwell, Derrick Huelick, Theodore R. Sitgreaves, Peter Pomp, Robert S. Brown, George H. Goundie, Peter Uhler, R. D. Barnes, Peter Gross, John De Young, Doctor C. C. Field, Samuel K. Hoagland, John H. Keller, George W. Yates, Joseph Unangst, Christian F. Lange, Joseph Hillman, Aaron W. Radley, and Charles H. Humphrey, are hereby appointed, and they or any thirteen of them are authorized to carry into effect from and after the passage of this act, the establishment of a bank to be called "The Farmers' and Mechanics' Bank of Easton," to be located at the borough of Easton, in the county of Northampton, with a capital of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each, with power to increase the said shares to eight thousand shares, and the said capital stock to four thousand dollars, and to be organized, managed, and governed as is provided by the "Act regulating Banks," passed at the last session of the Legislature, approved the sixteenth day of April, one thousand eight hundred and fifty, and to be subject to all the provisions and restrictions and to enjoy all the immunities contained in said act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 229.

AN ACT

Authorizing the Canal Commissioners to investigate the claim of Benjamin H. Fredericks for damages sustained on the West Branch Division of the Pennsylvania Canal, for the relief of John Kinzey, authorizing Samuel Caldwell to erect a wing dam in the Susquehanna river, relative to the sale of unseated lands in Lycoming, Clinton, Sullivan, and Centre counties, incorporating the Walker, Marion, and Howard Turnpike Road Company, fixing the rate of toll to be charged by the Larry's Creek Plank Road Company.

Canal Commissioners authorized to examine claim of Benjamin H. Fredericks.

John Kinzey, for relief of.

Samuel Caldwell authorized to erect a wing dam in the Susquehanna river.

Relative to the sale of unseated lands in Lycoming, Clinton, and Sullivan counties.

Commissioners.

Style.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of Benjamin H. Fredericks, of Clinton county, for damages sustained by reason of the erection of the Bald Eagle dam on the West Branch division of the Pennsylvania canal and assess the amount of damages, if any, according to equity and justice, and make report thereof, together with the facts, to the Legislature as soon as practicable.

SECTION 2. That the Auditor General be, and he is hereby authorized and required to examine the claim of John Kinzey, of Lycoming county, for damages sustained by reason of the breaking of the State rope at Clark's Ferry bridge in the year one thousand eight hundred and forty-seven, and if he should find that the said damages accrued in consequence of the insufficiency of said rope, then to assess the damages which actually occurred, and draw his warrant on the State Treasurer for the amount, who is hereby authorized to pay the same out of any money in the treasury not otherwise appropriated: *Provided,* That the amount of said damages shall not exceed the sum of fifty dollars.

SECTION 3. That Samuel Caldwell, his heirs or assigns, be, and they are hereby authorized and empowered to construct and erect a wing dam in Culbertson's ripples, in the Susquehanna river below the mouth of Musquito creek in the township of Armstrong, in the county of Lycoming, to extend from the main shore sixty feet into the river; and also to erect an abutment above said wing dam extending from the main shore forty feet into said river beyond low water mark: *Providing,* That said Samuel Caldwell, his heirs or assigns, shall not in the erection of said dam or abutment impede or obstruct the free navigation of said river.

SECTION 4. That in all public sales of lands hereafter to be made by the treasurers or commissioners of the counties of Lycoming, Clinton, Sullivan, or Centre, in pursuance of the laws of this Commonwealth, the rule of "caveat emptor" shall apply, and neither said treasurers nor said commissioners shall be required to refund the purchase money, costs or taxes paid upon any tract or tracts of land so sold as aforesaid.

SECTION 5. That Ira D. Canfield, David Smyth, John P. Packer, Michael Shaeffer, jr., Jacob Baker, Samuel Pettit, Nathan J. Mitchell, John Orr, William Allison, jr., of Centre county, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Walker, Marion, and Howard Turnpike Company," with power

to construct a turnpike road commencing at the Bald Eagle, Nittanny, and Brush Valley turnpike, between Pettit's Mill and Lash's tavern, in Walker township, Centre county, thence by the nearest and best route to intersect the road of the Bald Eagle and Nittany Valley Turnpike and Railroad Company, at or near Hoy's Mill, in Marion township, county aforesaid, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the subsequent sections of this act.

SECTION 6. That the capital stock of said company shall consist of two hundred shares, of twenty-five dollars each, but the said company may from time to time, by a vote of the stockholders, increase the capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act

SECTION 7. That whenever said company shall have completed two miles of said road, they shall have power to erect toll-gates and receive the same tolls per mile that are allowed by the twelfth and thirteenth sections of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies."

SECTION 8. That if said company shall not commence the construction of said road within three years, and complete the same within six years, this and the three preceding sections of this act shall be null and void and of none effect, except so far as may be necessary to settle up and pay the debts of said company.

SECTION 9. That whenever the Larry's creek Plank Road Company shall be authorized to erect toll-gates and collect toll for travel upon said road, under the existing laws of this Commonwealth, the said company shall have the power to regulate the assessment of tolls on said road in proportion to the amount of lading or freight passed over the same, instead of assessing the toll upon the number of horses attached to the burthen: *Provided*, That the tolls shall in no case exceed the following rates for every five miles travelled on said road, and so in proportion for any lesser distance or any greater or lesser quantity of lading, to wit:

For every thousand feet of manufactured lumber, twenty-five cents;
For every thousand feet of lumber in the log, board measure, twenty cents;

For every thousand shingles, twenty-five cents;

For every cord of bark, fifteen cents;

For every thousand staves, twenty-five cents;

For every hundred feet lineal of square timber, twenty-five cents;

For every thousand barrel hoop-poles, thirty cents;

For every thousand hogshead hoop-poles, fifty cents;

For every ton of stone-coal, twelve cents;

For every ton of iron-ore, ten cents;

For every ton of bar-iron, thirty cents;

For every ton of blooms, twenty cents;

For every ton of castings, twenty-five cents;

For every ton of pig-metal, eighteen cents.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 230.

A FURTHER SUPPLEMENT

To an act passed the twenty-seventh day of February, Anno Domini, one thousand eight hundred and forty-seven, entitled "An Act to incorporate the district of Richmond, in the county of Philadelphia, in relation to the security of tax collectors in said county, to streets in Germantown, to the vacation of Wager street, in the District of Kensington, and relating to a school house in Philadelphia county."

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners
of the district of
Richmond au-
thorized to in-
troduce water
into said dis-
trict.

the commissioners of the district of Richmond shall have full power to contract with any person or persons, body or bodies corporate, for the introduction of water into the said district, and all contracts and agreements relating to the same at any time heretofore made between the said commissioners and any other person or persons, body or bodies corporate, shall be as valid and binding as if the same were made after the passage of this act.

Further powers.

SECTION 2. That the said commissioners shall have full power and authority to lay iron pipes and introduce the Delaware river or other wholesome water into any street, road, lane, or alley within said district, and the real estate fronting on any such street, road, or alley, shall be taxed and liable in proportion to its extent in front, for all the expenses that may be incurred in laying the said pipes and introducing the said water, and also shall be subject thereafter to all such taxes or assessments that may be laid from time to time for keeping up the necessary supply of water, and the expenses attendant thereon: *Provided, That* all expenses incurred in laying the pipes along the intersection of any street, road, lane, or alley, and erecting the necessary number of fire-plugs, and for the repairs thereof, shall be provided for and paid in such manner as shall be prescribed by the said board of commissioners.

Expenses.

SECTION 3. That in assessing the expenses of laying the said pipes, the said board of commissioners shall make an allowance on all corner lots of one-third of the length of one of their fronts, making the allowance always and only on the street, lane, road, or alley upon which such street shall have the longest front, but in case both fronts are of equal length, then the allowance shall be made on the street in which the pipes shall be laid, but in no case shall the allowance exceed more than fifty feet on any one corner lot, and the expense for pipes so allowed shall be provided and paid for in the same manner that fire-plugs and pipes laid in the intersection are.

Taxes to be a
lien.

SECTION 4. That the taxes or assessments charged against the said properties respectively, agreeably to the second section of this act, together with the interest thereon and costs of collection, shall be a lien against the said properties, and shall be paid in preference to any subsequent lien on the same, and the claims therefor shall be filed and recovered in law by the said commissioners in the same manner that claims for paving and curbing are filed and recovered.

Regulations.

SECTION 5. That the said board of commissioners be, and they are hereby authorized to make, ordain, and establish such laws, ordinances,

and regulations as shall or may be necessary for the introduction, distribution, and regulation of the said water, and all other matters and things connected therewith, and the same to enforce with like powers as have heretofore been vested in them, and also to make, alter, and amend the same as occasion may require.

SECTION 6. That the commissioners aforesaid are hereby authorized and empowered to curb and pave any of the side walks of said streets, lanes, or alleys of said district, whenever they may deem the same necessary, and charge the cost of such curbing and paving to the owners of property fronting on said streets, lanes, or alleys, and the cost of the same shall be collected as now provided by law. Commissioners authorized to curb and pave side walks, &c.

SECTION 7. That in case of dispute arising between the county commissioners of Philadelphia county, and any collector of State and county taxes as to the sufficiency of the security which may be offered by said collector for the faithful performance of duties required by law, an appeal shall be had by said collector to the judges of the Court of Quarter Sessions sitting in banc, who shall have and exercise power to determine the matter, and upon the decision of said judges in favor of the acceptance of the security offered, the said commissioners shall proceed to fill up the bonds and receive the security offered as aforesaid, and issue a commission to said collector. Tax collectors in Philadelphia county, relative to security of.

SECTION 8. That from and after the passage of this act, it shall and may be lawful for the surveyor of the borough of Germantown, under the direction of the town councils, to so alter and amend the plan of said borough, by the addition of one or more streets, as in the judgment of said council may be deemed necessary, subject to all the rights, privileges, and restrictions of the act to which this is a supplement not hereby repealed. Streets in Germantown, relative to.

SECTION 9. That Wager street between Fourth street and the Germantown road in the district of Kensington, county of Philadelphia, is hereby vacated, and the title to the soil to the middle of said street is hereby vested in fee simple in the owners of ground fronting thereon. Wager street, part of vacated.

SECTION 10. That the first section of an act entitled "An Act authorizing Watson Comly, Josiah Walton, and Charles Walmsley, to sell and convey certain real estate, and for other purposes," passed the nineteenth day of March, one thousand eight hundred and fifty-one, be, and the same is hereby repealed. Relating to Walnut Hill school house, in Philadelphia county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 231.

A FURTHER SUPPLEMENT

To the act to incorporate the Dauphin and Susquehanna Coal Company, passed the fifth day of April, one thousand eight hundred and twenty-six.

Dauphin and
Susquehanna
Coal Company,
relative to elec-
tions by.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders of the Dauphin and Susquehanna Coal Company at their annual elections may elect from their own body such number of directors, not less than seven nor more than eleven, as may be prescribed from time to time by the by-laws of said company; and at all meetings of the directors convened according to such by-laws, five members shall constitute a quorum.

Borrow money.

SECTION 2. That for the purpose of extending, completing, and stocking the railroad of said company, and of discharging its debts and liabilities, and for its general business, the said company are hereby empowered from time to time to borrow on terms as may be agreed upon such sums as may be requisite, not exceeding in the aggregate four hundred thousand dollars, and to pledge any of their property for the payment of the same, with the right to the lender of converting said loan or any part thereof into so much of the stock which said company is now authorized to issue: *Provided,* That in lieu of deferring the payment to the State Treasurer of any part of the bonus of one per cent. on their stock until the completion of said railroad as now provided by law, the said company shall pay to the said treasurer in full for said bonus the sum of four thousand dollars in four annual instalments of one thousand dollars each, the first instalment thereof to be paid on the first day of July next.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 232.

AN ACT

Authorizing the commissioners of Armstrong county to sell certain real estate, in relation to the sale of the real estate of John Stewart, of Adams county, to the Lykens Valley Railroad Company, and incorporating the Loretto Turnpike Road Company in Cambria county.

WHEREAS, Two successive grand juries of the county of Armstrong have made presentment to the Court of Quarter Sessions of the Peace of said county that the public buildings in said county are unfit for public use, and that a new court house, public offices, and jail ought to be erected; Preamble.

And whereas, The said court and the commissioners of said county have approved of said presentments;

And whereas, The tax-payers of said county are desirous that the lot of ground situate in the borough of Kittanning, in the county aforesaid, on which the court house, academy, and public offices are erected should be sold, and the proceeds of sale be applied to the erection of the proposed new public buildings; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county commissioners of the said county of Armstrong be, and they are hereby authorized to divide the said lot of ground into lots of such size and number as in their opinion will at a public sale yield the largest amount of funds for the purpose hereinbefore mentioned, and that after such division the said commissioners, after having first given fifteen days' notice of sale in the newspapers printed in said county, shall sell at public sale at the court house in Kittanning the aforesaid lot of ground divided into lots as aforesaid, together with the buildings thereon, for the highest price that can be obtained for the same respectively, and to execute in their names to the purchasers thereof good and sufficient deeds for the same in fee simple, and that such deeds shall confer a good and indefeasible title to the respective purchasers in the property therein described, the proceeds of said sale to be paid into the treasury of said county, and to be applied towards defraying the expense of erecting the proposed new public buildings. Commissioners of Armstrong county authorized to sell certain real estate.

SECTION 2. That James Cunningham, executor of the last will and testament of John Stewart, late of Adams county, deceased, be, and he is hereby authorized and empowered to sell all the right, title, interest, claim, and demand of the said John Stewart, deceased, at the time of his death, of and to certain real estate situated in Adams county, the profits of which the said decedent devised by his last will and testament to his wife Deborah during her life or widowhood, and that the said executor make and execute to the purchaser or purchasers thereof good and sufficient conveyances in law for the same; the proceeds of such sale, after payment of all necessary expenses, to be distributed to and amongst the residuary legatees under said will: *Provided,* That such sale and conveyance shall not be made without the assent of the said Deborah Stewart, widow of said decedent, being first had: *And provided,* Said executor shall first give good and sufficient security to Executor of John Stewart authorized to sell real estate.

the satisfaction of the Orphans' Court of Adams county, conditioned for the faithful and proper application of the money arising from such sale or sales: *And provided further*, That said sale or sales shall be approved of and confirmed by said court.

Lykens Valley
Railroad Com-
pany, relative
to.

SECTION 3. That the proceedings under the provisions of the fourth and fifth sections of an act of the General Assembly of the twenty-sixth of April, one thousand eight hundred and fifty, relative to lateral railroads in Lykens Valley, Dauphin county, shall be subject to the appeal allowed by the act of the General Assembly of the fifth of May, one thousand eight hundred and thirty-two, entitled "An Act regulating lateral railroads," and the several supplements thereto; and the provisions of the said acts of Assembly shall apply to the said locality, notwithstanding its distance from the coal and iron deposits: *Provided*, That the connections of such lateral railroads with the Lykens Valley railroad shall in all cases be within one mile of the western termination thereof.

Commissioners.

SECTION 4. That George Litzinger, Henry Scanlan, Edward Glass, Peter J. Little, Abraham Troxel, Augustin Little, Jacob Hamilton, Patrick Braniff, Peter Christy, Daniel Gallaher, and Sabastian Frye, of the county of Cambria, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Loretto Turnpike Road Company," to locate and construct a turnpike road from the borough of Loretto, in the county of Cambria, to a point in Washington township, in said county, on the Pennsylvania railroad, at or near where said road crosses the Philadelphia and Pittsburgh turnpike road, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections.

Style.

Location.

Subject to pro-
visions of cer-
tain act.

Capital stock.

SECTION 5. That the capital stock of the said company shall consist of two hundred and fifty shares of twenty dollars per share: *Provided*, The said company may from time to time, at a meeting of the stockholders called for the purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act: *And provided also*, The said company may at their option construct a plank road on any part or parts of the same in lieu of a turnpike, as a majority of the stockholders in amount may determine at a meeting to be called for that purpose, and notice thereof to be first given.

Commence-
ment and com-
pletion of road.

SECTION 6. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within seven years thereafter, the two preceeding sections of this act shall be null and void, except so far as the same may be necessary to wind up the affairs of and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 233.

AN ACT

To confirm the title to certain real estate in West Philadelphia, in the county of Philadelphia, incorporating the Odd Fellows' Hall Association of the borough of West Philadelphia, in the county of Philadelphia, legalizing investments of bonds or certificates of debts created by the county of Allegheny, the city of Pittsburg, and the city of Allegheny, in certain cases; authorizing William Darrach, guardian of Mary Skinner, a minor, and James H. Bradford, guardian of Charles F. Bradford and Samuel F. Bradford, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all the right, title, and interest of the Commonwealth of, to, and in a certain tract of land situate in the borough of West Philadelphia, in the county of Philadelphia, extending from the western end of the ancient city plot of Philadelphia westward along the southerly side of the late Marshall road the distance of ninety-six perches more or less, and in depth southwardly from the centre of the said late Marshall road about twenty-two perches, being the same which William Penn, proprietary, et cetera, by deed poll dated the twelfth day of September, Anno Domini, one thousand seven hundred and four, recorded in patent book A, volume second, page seven hundred, et cetera, demised inter alia to Philip England for the period of twenty-nine years, is hereby vested in the several parties now owning the fee in all of the lots of ground embraced within the limits of the said tract.

Title to certain
real estate in
West Philadel-
phia confirmed.

SECTION 2. That John M. Pugh, Samuel R. Reed, Philip Lowry, junior, A. T. Morris, G. Beishlag, junior, Silas Suplee, Washington Garnet, Thomas Danley, William Betterton, and Amos Suplee and their successors, and all persons who now are or hereafter may be associated with them, and they are hereby created and erected into a body corporate and politic in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of the borough of West Philadelphia, and county of Philadelphia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and to take and hold to them and their successors either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of said association any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well being and due management of the said association: *Provided*, That the real estate of which the said incorporation shall be at any one time possessed shall not exceed the clear yearly value of three thousand dollars.

Corporators.

Style.

Privileges.

SECTION 3. That the persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things duties of.

Commissioners,
duties of.

hereinafter mentioned, that is to say, they or such of them as shall act in the premises, being not less than five, shall as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate in the borough of West Philadelphia, of which time and place at least fourteen days' previous public notice shall be given in one or more newspapers published in the city of Philadelphia, in which book or books they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows' Hall Association of the borough of West Philadelphia, and county of Philadelphia, the sum of five dollars for each and every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the trustees of said association. Witness our hands and seals the

day of Anno Domini, one thousand eight hundred and fifty-one;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves or by committees to be by them appointed, shall attend for the purpose of opening the books to receive subscriptions for stock; and the said books shall be kept open at least eight hours on such day, at the time and place designated in the public notices to be given as aforesaid; and in case one thousand shares of stock (it being the capital stock to be issued by said association) be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place and under such regulations as the trustees for the time being may order: *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same shall at the time of subscribing pay to the said commissioners, or to committees by them appointed, one dollar on each and every share for the use of the association.

Organization.

SECTION 4. That the said commissioners, or at least five of them acting in the premises as aforesaid, shall as soon as conveniently may be after four hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least fourteen days' previous public notice thereof in one or more newspapers of the city of Philadelphia aforesaid, and the subscribers when met shall by ballot elect by a majority of the voters present three trustees residents of said borough and citizens of said county, to conduct and manage the affairs and business of said association until the first Friday in January of the next following year, and until others are chosen, and shall annually thereafter at such time and place as the by-laws of said association shall provide, elect three trustees as aforesaid, and the three commissioners first named shall be the judges of the election of said trustees, and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such elections shall be given in such manner as the by-laws shall provide.

Object.

SECTION 5. The object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the borough of West Philadelphia, for the accommodation of the lodge of the Independent Order of Odd Fellows' established there, for other beneficial societies and societies, and suitable also for a room to be used for a town library or other public purposes.

Seal.

SECTION 6. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exer-

enjoy all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted and as herein expressed.

SECTION 7. That the trustees for the time being, or a majority of Trustees, powers of them, shall have power to carry out the objects of the association as hereinbefore expressed, and to conduct and execute the business and affairs of association, to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of said association, to give bond with security for the faithful paying over to the treasurer such funds of said association as may come into their hands, such bond and security to be approved of by a majority of the members present at any regular meeting of said association, and generally to pass all such by-laws as shall be necessary to the exercise of their duties aforesaid as trustees of said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the Constitution and laws of this Commonwealth or of the United States.

SECTION 8. That it shall be the duty of the trustees at least once in every year, to wit, on the first Friday of January thereof, appoint from the members of said association three competent persons as a committee of examination, whose duty it shall be to examine the financial and other affairs of said association, and to make report thereof on the second Friday of said month to the trustees, whose duty it shall be to lay the same before the association at its next stated meeting ensuing. It shall also be the duty of the trustees on the third Fridays of January and July in each and every year, to make and declare a dividend of the interest and profits of said association after paying its expenses, and the same to pay over to the stockholders or their legal representatives within thirty days thereafter: *Provided*, That the dividend so paid shall in no case exceed six per cent. per annum to said stockholders.

SECTION 9. That it shall be the duty of the trustees on the third Fridays of January and July in each and every year after paying the dividends provided for in the foregoing section, and after having appropriated so much of the funds as in their discretion will be necessary for defraying the ordinary expenses of the association for the ensuing six months, to apply all the remaining funds on hand to a pro rata cancellation of the shares of stock then in the hands of the stockholders, said remaining funds to be considered as a semi-annual sinking fund for the redemption of said shares of capital stock.

SECTION 10. That the Legislature hereby reserves the right to alter or amend the charter hereby granted whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

SECTION 11. That bonds or certificates of debt created by the county of Allegheny, the city of Pittsburg, or the city of Allegheny, be, and are hereby declared legal investments of money by executors, guardians, or trustees in the manner, and subject to all the provisions and conditions of the fourteenth section of "An Act relating to Orphans' Courts," approved twenty-ninth of March, one thousand eight hundred and thirty-two.

SECTION 12. That James H. Bradford, of the borough of West Chester, county of Chester, Doctor of Medicine, guardian of Charles F. Bradford and Samuel F. Bradford, minor children of doctor Samuel Bradford, deceased, be, and he is hereby authorized and empowered, on behalf of said minors, to sign a certain family agreement of compromise

Committee of examination.

Dividends.

Reservation.

Certificates of debt created by the city and county of Allegheny and the city of Pittsburg, declared legal investments.

Guardian of Charles F. and Samuel F. Bradford authorized to sell certain real estate.

misc entered into by the heirs and representatives of Thomas Bradford, late of the city of Philadelphia, deceased, for the better settlement and distribution of the estate of said Thomas Bradford, deceased, and to grant, assign, convey, and release to Thomas Bradford, Esq., of the city of Philadelphia, counsellor at law, the trustee therein named, all the estate, right, title, interest, property, claim, and demand, whatsoever, of them the said Charles F. Bradford, and Samuel F. Bradford, or either of them, at law, in equity, or otherwise howsoever, of, in, and to the estate of said Thomas Bradford, formerly of the city of Philadelphia, deceased, situate in the State of Pennsylvania or elsewhere, of which he died seised or possessed, according to the terms of said agreement, in trust, to sell and convey the same to the purchaser or purchasers thereof in fee simple, free from any responsibility on the part of the purchaser or purchasers for the application of the purchase money or any part thereof, and the proceeds thereof, after payment of debts, claims and expenses to distribute equally among all the grand children or their representatives, of the said Thomas Bradford, deceased, according to the terms of said family agreement, and also to sign, seal, and deliver on behalf of said minors all deeds or instruments of writing which may be requisite and necessary to carry into effect the terms of said family agreement or deeds of trust founded thereon: *Provided*, That the said guardian shall, before he receives the shares of the proceed of said sales coming or payable to the said minors, give a bond in such sum or with such security as the Orphans' Court for the city and county of Philadelphia shall order and direct, for the faithful application of the said shares of the proceeds of the sales of said real estate, or may become due or belong to said minors.

Wm. Darrach,
guardian, au-
thorized to sign
a certain family
agreement, &c.

SECTION 13. That William Darrach, of the city and county of Philadelphia, Doctor of Medicine, guardian of Mary Skinner, a minor child of Josiah C. Skinner, deceased, be, and he is hereby authorized and empowered, on behalf of said minor, to sign a certain family agreement of compromise entered into by the heirs and representatives of Thomas Bradford, late of the city of Philadelphia, deceased, for the better settlement and distribution of the estate of the said Thomas Bradford, deceased, and to grant, assign, convey, and release to Thomas Bradford, Esq., of the city of Philadelphia, counsellor at law, the trustee therein named, all the estate, right, title, interest, property, claim, and demand whatsoever, of the said Mary Skinner, at law, in equity or otherwise howsoever, of, in, and to the estate of the said Thomas Bradford, formerly of the city of Philadelphia, deceased, situate in the State of Pennsylvania or elsewhere, of which he died seised or possessed, according to the terms of said agreement, in trust, to sell and convey the same to the purchaser or purchasers thereof in fee simple, free from any responsibility on the part of the purchaser or purchasers for the application of the purchase money, or any part thereof; and the proceeds thereof, after payment of debts, claims, and expenses, to distribute equally among all the grand children, or their representatives, of the said Thomas Bradford, deceased, according to the terms of said family agreement, and also to sign, seal, and deliver, on behalf of said minor, all deeds or instruments of writing which may be requisite and necessary to carry into effect the terms of said family agreement or deed of trust founded thereon: *Provided*, That the said guardian, before he receives the share of the proceeds of said sales, coming or payable to said minor, shall give a bond in such sum or with such security as the Orphans' Court of the city and county of Philadelphia shall order and direct, for the faithful application of the said

share of the proceeds of the sales of said real estate as may become due or belong to said minor.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 234.

AN ACT

To incorporate the Findleyville and Saw Mill Run Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Hiram Hultz, Henry H. Philips, Thomas P. Adams, William Stewart, Ephraim Jones, Henry Croco, William Boggs, and John Boyer, of the county of Allegheny, and Levi Findley, James Estep, and Edward Riggs, of the county of Washington, or any five of them, are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style, and title, of "The Findleyville and Saw Mill Run Plank Road Company," with power to construct a plank road commencing at the village of Findleyville, in the county of Washington, by way of the Peter's Creek Baptist church, Hiram Hultz's Croco's tanyard, Pollock's mill, and Bogg's burnt mill, to Jones Ferry near Saw Mill Run, in Allegheny county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth of January, eighteen hundred and forty-nine, and the several supplements thereto. Commissioners.
Style.
Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares at twenty-five dollars each: *Provided,* That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock if it shall be deemed necessary to carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That if said company shall not commence the construction of their road within three years from the passage of this act, and complete the same within five years thereafter, the sections of this act incorporating said company shall be null and void, except so much of the same as may be necessary to wind up the affairs, and pay the debts of said company: *Provided,* That the said company shall have power to construct a branch from any point on their road to the public house of S. D. Pryor, in Baldwin township, on the Pittsburg and Brownsville road, and that the Birmingham and Brownsville Macadamized Commencement and completion of road.

Turnpike Road Company shall have the right to connect with the said Findleyville and Saw Mill Run Plank Road Company at any point they may desire.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 235.

A N A C T

Relating to the borough of Towanda.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* at the next annual election of officers of the borough of Towanda, the electors qualified to vote for borough officers shall elect two persons to serve as members of the town council for three years, two persons to serve two years, and two persons to serve one year, and each ballot shall state distinctly the term or terms for which the persons voted for shall serve; and at every subsequent annual election they shall elect two qualified citizens to serve for three years, and so many and for such time as may be necessary to fill any vacancies from death, resignation, or otherwise; but in case more than one vacancy occurs, the board may fill the vacancies by appointment, until the next annual election.

Election of town
council.

Commencement
of the term of
council.

SECTION 2. That the term of the council shall commence annually on the Monday next after the election, and the persons elected shall appear on that day, or as soon thereafter as may be, at the place of holding the meeting of the council for the time being, and subscribe the oaths or affirmations required by existing laws; which oaths or affirmations, and those of all the other borough officers shall be filed among the records of the borough. At the first regular meeting of the council after the election, they shall proceed to elect one of their number, who shall be president of the council, and burgess, and another of their number who shall be vice president of the council, and assistant burgess; and in case the said council shall fail to elect at the said meeting, the two last-elected members of the council shall be burgess and assistant burgess, the highest in vote to be burgess; but in case of an equality of votes, to be decided by lot. The said burgess shall exercise and enjoy all the duties and powers which now or hereafter may by law be conferred or enjoined upon the burgess of the borough of Towanda; the assistant burgess shall enjoy all the rights and exercise all the duties and powers of the burgess in his absence or inability to

serve; the burgess shall be authorized to administer the oaths to the incoming members of the council, and to all the other borough officers; three members of the council shall constitute a quorum to do business, and the said council are hereby authorized, when in their judgment it seems best, to appoint two overseers of the poor, whose duty shall be distinct and separate from that of the street commissioners; and when they do so appoint, the street commissioners shall not exercise the duties of overseers of the poor.

SECTION 3. That the high constables of the borough of Towanda, Powers of high hereafter elected, shall have full power and authority to discharge all constable. the duties enjoined by law on constables, and be entitled to receive the same fees, and be subject to the same regulations and penalties as are prescribed and contained in the laws now existing, or that may hereafter be passed, concerning constables within this Commonwealth; and it shall be the duty of the said high constable to give the notices required by law concerning elections.

SECTION 4. That so much of any law as is hereby altered or sup-Repeal. plied is hereby repealed, so far as the same relates to the borough of Towanda.

SECTION 5. That the provisions of an act entitled "An Act for regu-Street commis- lating and maintaining line fences, and for other purposes," passed the sioners, duties eleventh day of March, one thousand eight hundred and forty-two, rela- of. ting to township auditors, imposing on them the duties of fence viewers, be, and the same are hereby extended to the street commissioners of the borough of Towanda, in the county of Bradford.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 236.

A N A C T

To incorporate the Gap Mining Company of Lancaster county.

SECTION 4. *Be it enacted by the Senate and House of Representa- tives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Kinzer, Lewis Cooper, John Fausset, and E. F. Witmer, and their associates, successors, and assigns, are hereby created and con-stituted a body politic and corporate, by the name, style, and title, of "The Gap Mining Company," with a capital stock not exceeding one *Style.*

hundred and twenty thousand dollars, to be divided into such number of shares as the said company shall deem expedient.

Directors.

SECTION 2. That the affairs of the said company shall be managed by five directors, one of whom shall be the president, who shall be chosen from the stockholders of the company annually; the first election for directors shall be held within sixty days after this act shall take effect, of which, as of all subsequent elections, public notice to the stockholders shall be given fifteen days previously to any such election by advertisements inserted in at least two daily newspapers published in the city of Philadelphia, and one newspaper published in the city of Lancaster: *Provided*, That in the event of a failure to hold any election provided for by this act, the former directors shall continue in office until their successors are duly elected.

Mode of conducting elections.

SECTION 3. That the elections for directors shall be by ballot, and each stockholder shall be entitled to one vote for each share of stock held by him, and all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, Anno Domini, one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *Provided*, That no share shall confer a right of voting which shall have been transferred within sixty days prior to the day of election.

Seal.

SECTION 4. That the said company shall have full power and authority to make, have, and use a common or corporate seal, with such device or inscription as they shall deem proper, and by the name of "The Gap Mining Company" to be able and capable in law to sue and be sued, plead and be impleaded, in any court or before any judge or justice, and all and every matter and thing therein to do in as full and ample a manner as any other person or persons, bodies politic or corporate within this Commonwealth may or can do, and is hereby authorized to make rules and by-laws by its board of directors, and to do every other thing needful for the good government and support of the affairs of the said corporation: *Provided*, That such rules and by-laws or any of them be not repugnant to the Constitution and laws of the United States or of this State.

Power to hold lands, &c.

SECTION 5. That the company shall be able and capable in law to take, receive, and hold lands in the county of Lancaster in fee simple, and the same to lease, sell, mortgage, and dispose of as they may deem proper, and in such lands held by them to mine and excavate for copper, lead, and other ores and metals; and the same to stamp, crush, and otherwise prepare for market: *Provided*, That the said company shall not hold more than three hundred acres of land at any one time: *And provided also*, That nothing herein contained shall confer on the said company manufacturing privileges.

Stock transferable.

SECTION 6. That the stock of the said company shall be transferable only upon the books of the company in person or by attorney, according to such rules as the by-laws shall prescribe; and no person shall be regarded as a stockholder or be entitled to act as such except those whose names appear as stockholders upon the books of the company.

Payment of instalments.

SECTION 7. That the said company by its board of directors shall have power to call upon the stockholders from time to time for the payment of instalments of their respective subscriptions to the capital stock of the company as they may deem necessary; and if any stockholder shall refuse or neglect for the space of sixty days after notice to him that any such instalment is required to be paid, to pay the same at the office of the company, the shares of such stockholder shall be forfeited to the company, together with all previous instalments paid thereon.

SECTION 8. That the dividends of so much of the profits of the company as the directors may deem advisable shall be declared twice in every year, and paid to the stockholders or their legal representatives on demand at any time after the expiration of ten days therefrom; but such dividends shall in no case exceed the actual profits of the company for the time being; and it shall be the duty of the directors to keep fair minutes of their proceedings, together with full accounts of all receipts and disbursements of moneys which shall be accessible to the inspection of the stockholders, and at least once in each year to present a statement of the affairs of the company to the stockholders at a general meeting for that purpose.

SECTION 9. That the said company shall pay to the treasurer of this Commonwealth one per centum on the amount of the capital stock in four equal annual payments, the first to become due and payable on the first Monday in July next. Dividends.
Tax.

SECTION 10. That this act shall continue in force for the period of twenty years from the passage thereof; but if the said company shall at any time contracts debts to a greater amount than the capital subscribed it shall forfeit its charter, and its corporate powers shall cease and determine; and it shall be lawful for the Legislature to alter or amend the charter hereby created: *Provided however,* That no injustice shall be done to the corporators. Continuation of
this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 237.

AN ACT

To open and extend an alley in the city of Allegheny, and in reference to the grading and paving of streets in said city; also relative to a street in South Pittsburg, and courts and alleys in the borough of Pottsville, in Schuylkill county, and relative to a bridge across the Swatara creek, near Hummelstown, Dauphin county, legitimatizing Franklin William Lehman, of Lebanon county; confirming title of certain real estate to James Patterson, and relative to the collection of water rents in the city of Allegheny, and to billiard rooms in the county of Tioga.

WHEREAS, An alley twenty feet wide, situate equi-distant between Federal street and Pitt alley in the city of Allegheny, extending from Gay alley to within sixty feet of Water alley, in said city, has been laid out by the owners of the property through which it passes;

And Whereas, It is represented that the opening and extension of said alley to said Water alley is necessary for public use; therefore,

Preamble.

Relative to a
certain alley in
Allegheny city.

Damages, how
adjusted.

Further provi-
sions relative to
damages.

Council of the
city of Alleghen-
y authorized to
grade and pave
streets, &c.

Borough of
South Pittsburg
required to keep
a certain road
in repair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Court of Common Pleas of Allegheny county, on petition of any number of the citizens of Allegheny city, shall appoint five disinterested persons who shall meet on at least five days' notice, and if any three or more attend they shall view the premises through which it is proposed to extend the said alley, situate in the said city, equi-distant between Federal street and Pitt alley, extending from Gay alley to within sixty feet of said Water alley, and if any three of those attending being first duly sworn or affirmed to perform the duties imposed upon them by this act with fidelity, shall decide that the opening and extension of said alley to Water alley is necessary for public use, and ought to be so opened and extended, they shall proceed to lay out the said alley, having regard to the width said alley now is from a point where said alley now terminates, to Water alley aforesaid, and they shall assess the damages done to any lot or lots, taking into consideration the advantages accruing as well as the injury done, and shall charge the damage so done upon the lots or parts of lots so benefitted, according to a fair estimate of the benefit conferred on each lot, and designating the person to whom such damage is done and payable; and if a sufficient number do not meet to act, or if they cannot agree, the court may at any time appoint others, and the said viewers shall make report to court, and if approved by the court said report shall be entered of record, and if said viewers shall report that the said alley ought to be opened and extended as aforesaid, it shall thenceforth be deemed and taken to be a lawful public alley, and the said viewers shall give the said alley any name they may think proper; the said damages so assessed in opening the said alley shall, to all intents and purposes, be a lien against the lot or lots upon which they may respectively be assessed, and the same shall be recoverable by writ of scire facias in the name of the Commonwealth, for the use of the person in favor of whom such damages are assessed, as debts secured by mortgage are now by law recoverable; such scire facias to be issued so soon as the court shall confirm the said report.

SECTION 2. As soon as the costs and the damages so assessed shall be paid unto the person or persons in whose favor the same shall be awarded, or into the said court by any individual or individuals, the prothonotary shall so certify to the said court, and the court shall order said alley to be opened by the street commissioner of the city of Allegheny.

SECTION 3. That the councils of the city of Allegheny shall have power by ordinance to grade and regrade, pave and repave, or Macadamize any permanent street, lane, or alley or sidewalk, or any part thereof by or without petition, as provided for in a supplement to the act entitled "An Act to incorporate the city of Allegheny, regulating streets in the city of Pittsburg, and authorizing the town council of Monongahela city to collect wharfage," approved April fifth, one thousand eight hundred and forty-nine, and they shall have power to levy and collect a special tax to defray the expenses thereof as is provided for in the former act, and that so much of said act as inconsistent herewith is hereby repealed.

SECTION 4. That the borough of South Pittsburg in the county of Allegheny, shall be required to keep in repair all that portion of the public road between the Monongahela bridge and the junction of the Birmingham turnpike and the Coal Hill turnpike roads, and exercise over said road all the control of a public street of said borough.

SECTION 5. That the town council of the corporation of the borough of Pottsville are hereby enjoined and required to lay out, enlarge, and open a twenty-feet wide alley from Union street between Centre and Second street, thence running southwardly and parallel to Centre street to an alley running from Centre to Second street, between the property of Joseph S. Silver and the property late of James Donnelly, deceased, the centre of said alley to be at the distance of one hundred and sixty feet westwardly from Centre street in said borough.

Council of the borough of Pottsville required to open a certain alley.

SECTION 6. That the town council of the corporation of the borough of Pottsville, in the county of Schuylkill, shall have the power and authority and it is hereby enjoined and required to lay out, enlarge, and open a certain court or alley in the said borough now partly laid out and opened through the square or block of ground bounded on the north by East Market street or Contention alley, on the south by Norwegian street, on the west by Centre street, and on the east by Railroad street, so that the said court or alley shall be laid out and opened of the width of twenty feet through said block or square of ground and in a line with Logan street from said East Market street or Contention alley to Norwegian street in the borough aforesaid: *Provided*, That any damages which may be sustained by the owner or owners of any of the lots of ground through which the said courts or alley mentioned in this and the foregoing section shall pass, shall be assessed and adjusted agreeable to the provisions of the second section of the act of the General Assembly of Pennsylvania, passed the fourteenth day of March, Anno Domini, one thousand eight hundred and fifty, entitled "An Act to authorize the town council of the borough of Pottsville to open and enlarge Logan's court, and to open and enlarge an alley between Second and Centre street in the borough of Pottsville, Schuylkill county, in relation to streets in Freeport and Easton, and in relation to a private railroad in Phoenixville, and to vacate a certain road in the borough of Northumberland."

Said council authorized to enlarge and open a certain alley.

SECTION 7. That all the rights and privileges reserved by this Commonwealth in the eighth section of the act of the seventeenth of February, one thousand eight hundred and eighteen, entitled "An Act to authorize John Ernst and Samuel Sherer to erect a toll bridge over Swatara creek at or near the place usually known by the name of 'Ernst's' or 'Sherer's' ferry in the county of Dauphin, so far as the same relates to the appointment of viewers and the extinguishment of the right to take tolls on said bridge over the Swatara creek near Hummelstown," be, and the same are hereby transferred to and vested in the commissioners of the county of Dauphin, for the use of the county of Dauphin, and whenever the *viewers*, or any four of them, appointed agreeably to the provisions of said act, shall have examined and estimated the value of said bridge as provided in said act, and certified the amount thereof to the said commissioners, they shall if they approve of the same draw their warrant on the treasurer of the county of Dauphin for the amount thereof, and whenever the amount so certified shall be paid to the person or persons entitled thereto, their right to take toll on said bridge shall cease and determine and be vested in the county of Dauphin, and be entered on record as a county bridge.

Bridge near Hummelstown, Dauphin county, transferred to said county.

SECTION 8. That Franklin William Lehman, son of William Lehman, of Jackson township, Lebanon county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

Franklin William Lehman legitimated.

Title to certain
real estate con-
firmed to James
Patterson.

SECTION 9. That a certain deed executed by William Youdon, and Nancy his wife, of Allegheny county, conveying to James Patterson, of said county, certain lands in the county of Washington, more particularly described in said deed, which deed was ordered by the court of Common Pleas of the said county of Washington, on May twenty-sixth, A. D., one thousand eight hundred and forty-two, to be entered of record as sheriffs deeds are entered, be construed, deemed, and taken to be good and effectual for barring all entails of whatever kind, and for conveying to the said James Patterson, his heirs and assigns, an absolute fee simple estate in said lands.

Collection of
water rents in
the city of Al-
legheny regu-
lated.

SECTION 10. That from and after the passage of this act all assessments of water rents in the city of Allegheny, on any house or houses, manufactory or manufactories, or other tenement or tenements whatever, or any part or parts thereof separately occupied in the said city, shall be made on the same in the name or names of the person or persons occupying the premises at the time of said assessment, and also in the name or names of the owner or owners thereof (if such occupant or occupants be not the owner or owners), and the names of such occupants or owners shall be entered on the assessment book in separate *columns*, opposite to the description of the premises assessed, and if such water rent so assessed shall not be paid to the collector thereof by the person or persons occupying the premises on which the same is charged, within two weeks after payment of the same shall have been demanded of the person or persons occupying such premises, by the collector, it shall and may be lawful for the said collector to collect the amount of said water rent assessed on said premises for the then current year by distress and sale of the goods and chattels of any person or persons occupying such premises, whenever the said water rent so remaining unpaid shall have been charged and assessed, in the same manner as city taxes are collectable; and the provisions of the act of the ninth of April, A. D., one thousand eight hundred and forty-nine, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent, shall not be construed to apply to such water rents; and if such collector cannot find on the premises sufficient goods and chattels liable to distress to pay said water rent assessed thereon, he shall (at least thirty days before the expiration of the year for which such water rent shall have been assessed) give a written or printed notice to the owner or owners of such premises of the amount of said water rent assessed thereon, and then remaining due and unpaid, and that he, the said collector, has demanded payment thereof from the person or persons occupying the premises charged therewith, and has not received the same, and that he has not been able to find on said premises sufficient property to pay said water rent, and that if said water rent be not paid within ten days after the service of said notice, suit will be brought against such owner or owners for the recovery of said water rent so remaining unpaid, and the facts set forth in said notice shall be verified by the affidavit of such collector annexed thereto; and if the said owner or owners shall not within ten days after the service of such notice so verified as aforesaid, pay to the said collector the amount of the unpaid water rent specified and mentioned therein, or shall not point out and shew to the said collector sufficient property on said premises liable to distress to pay the same, then the said owner or owners in whose name or names the said water rent so remaining unpaid shall have been assessed, shall be personally liable to pay the amount thereof so remaining unpaid, and of which notice shall have been given as aforesaid; and the same may be recovered from such owner or owners by suit in the name of

the mayor, aldermen, and citizens of Allegheny, as other debts of like amount are or shall be by law recoverable: *Provided*, That in all cases when different parts of the same tenement, building, &c., are separately occupied by two or more tenants or occupants, the water rent shall be separately assessed on the part or parts occupied by each of them, and the property of every such tenant or occupant shall be liable to distress and sale only for the rent assessed for the then current year on such part of said tenement or building as is occupied by him, her, or them, and no more: *And provided also*, That nothing herein contained shall be construed to take away or in any-wise impair the right of the said city of Allegheny to enforce the payment of said water rent by detaching the ferrule in case of non-payment, or by any other legal mode which now is or hereafter may be prescribed and provided by the ordinances of said city: *And provided also*, That if any such collector of water rents shall have good reason to believe that any person or persons occupying premises charged with water rent is about to leave such premises without paying the rent assessed on the premises occupied by him, her, or them, such collector may proceed immediately to levy and collect the same by distress and sale of the goods and chattels of such person or persons so about to leave, as hereinbefore provided.

SECTION 11. That the nineteenth section of the act entitled "An Act to create a sinking fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," shall not be so construed as to authorize the granting of a license to any person or persons to keep any billiard room, bowling saloon, or ten-pin alley in the county of Tioga. Billiard rooms, &c., in Tioga county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 238.

AN ACT

To incorporate the village of Waymart, in the county of Wayne, into a borough, and relative to elections in the city and township of Carbondale, Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the village of Waymart, in the county of Wayne, and the territory included within the following boundaries, to wit: Beginning at the south-east corner of lot numbered twenty-seven on a draft or plot of the allotment of a tract of land called "Elkforest," thence south Boundaries.

eighty rods; thence west to the east line of lot number thirty-five of the aforesaid allotment; thence north along the line last aforesaid to the south-east corner of lot number twenty-six of said allotment; thence west along the north line of lots numbers thirty-six and thirty-seven of said allotment to the south-west corner of land of the heirs of Leonard Starkweather, deceased; thence westerly along the Delaware and Hudson Canal Company's railroad to a west exterior line of said tract of land called "Elkforest;" thence along the western external boundary lines of said tract called "Elkforest" northerly to the south line of Clinton township; thence east along the line last before mentioned to a corner in the east line of lot number sixteen of the allotment of said "Elkforest;" thence south along the west lines of lots number seventeen, twenty-four, and twenty-eight of the aforesaid allotment to the place of beginning, is hereby erected into a borough which shall be called and styled "The Borough of Waymart."

Incorporate.

Annual election of burgess, town council, assessor, school directors, &c.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall on the third Friday of May next, and annually thereafter on the same day which now is or hereafter may be fixed by law for the election of constables and other township officers within this Commonwealth, meet at the house of Hiram Westbrook, in said borough, and then and there between the hours of ten o'clock, A. M., and seven o'clock in the afternoon, elect by ballot one of the citizens who shall be styled the burgess of said borough, and four other citizens to be styled the town council; one assessor of the county rates and levies; three school directors, one to serve for one year, one for two years, one for three years, and one annually thereafter; one street commissioner; two overseers of the poor and two justices of the peace; one judge and two inspectors of elections; which election shall in all respects be conducted in the same manner as is provided for the election of township officers within this Commonwealth, except that the certificates of the election of burgess, town council, school directors, and other borough officers, shall be filed among the records of the corporation: *And provided*, That in case of the death, resignation, removal, or refusal to accept any of the said offices, the vacancies may be supplied by a new election in all cases where by the existing laws there is not provision made for supplying the place by appointment: *And provided further*, That for the first election to be held under this act, it shall be the duty of Thomas Thomas, Asa Stanton, Harvey W. Stephenson, or any of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections, and in case no election shall be held on the first day mentioned, they shall appoint some other day, and perform the said services; but previous to opening of such election, such of the citizens entitled to vote as aforesaid as may be present at the time and place of opening the same, shall choose one judge and two inspectors and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

Vacancies.

President of council.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights privileges of a member thereof in every respect.

Annual meeting of burgess and town council.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power in the absence

Powers.

of the burgess to elect a president pro tem., who shall in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; or in his absence the president pro tem. shall have power to call special meetings of the council, but in all cases of special meetings personal notice shall be given to every member unless absent from the borough; the burgess and members of the town council shall in all cases continue to hold and exercise the duties of their respective offices until their successors shall be duly elected and qualified.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties shall neglect to discharge the same according to law, every such person so refusing or neglecting shall for every such offence forfeit and pay the sum of five dollars, and every other officer elected or appointed by virtue of this act or the by-laws or ordinances of the town council aforesaid who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect pay a fine of not exceeding five dollars at the discretion of the burgess, which fines and all other fines that may be incurred under this act or any of the by-laws or ordinances of the town council shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Waymart as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws or that may hereafter be enacted for refusing to serve in such office.

Forfeiture in case of refusal to serve.

SECTION 6. That the burgess shall take and subscribe an oath or affirmation before one of the judges of the Court of Common Pleas, or a justice of the peace of the said county of Wayne, to support the Constitution of the United States and of the State of Pennsylvania, and to execute the office of burgess of the borough of Waymart with fidelity; and when so qualified he shall administer an oath to each of the members of the town council, high constable, town clerk of the market (if one shall be appointed), and such other officers as shall be appointed or elected under this act or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of the corporation.

Burgess to take oath.

SECTION 7. That from and after the third Friday in May next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style, and title, of "The Burgess and Town Council of the borough of Waymart," and shall have perpetual succession, and shall be capable in law to have, receive, hold, and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of two thousand dollars, and also to grant, sell, let, and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this Commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Style.

Privileges.

Powers of town
council.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations, and ordinances as they may deem necessary to promote the peace and good order and general welfare of the inhabitants and well-being of said borough, and for the purpose of improving and keeping in good order the side-walks, streets, lanes, alleys, public squares, common grounds, lands, wharves, landings, or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of Waymart, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make, renew, or annul as the occasion may require, and also to assess, levy, and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect; which said taxes shall not exceed in any one year three mills on the dollar, except by consent of three-fourths of the taxables of the borough, to be certified under their hands to the town council for that purpose. They shall have authority to obtain materials for improving the streets, lanes, alleys, landings, wharves and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired, and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by council shall be allowed such compensation as the council may fix and agree, but the members of the council themselves shall not be entitled to any compensation for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, No by-law, rule, regulation, or ordinance of said corporation shall be repugnant to the Constitution and laws of the United States or of this Commonwealth; and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.

Proviso.

Burgess to issue
warrant to col-
lector, &c.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer, and the collector shall have the power and authority in the collection of said taxes as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized by law to proceed against the collectors of county taxes when they neglect to collect or pay over the amount of their taxes according to law: *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of the said taxes, and grant relief as shall seem best at any time, and also exonerate the collector from the payment of anytax that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Wayne county in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands; and the county treasurer shall in the like

Appeals.

manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money out of the treasury of the borough common school, or to whatever it may belong.

SECTION 10. That it shall be the duty of the town clerk to attend Duty of town clerk. all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same and also for the faithful discharges of all the duties which may be enjoined upon him by this act or of the acts of the corporation; he shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president, shall attest the same; he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinance, or proceeding of the councils, when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor the seal and all the books, papers, and other things belonging to the corporation, and upon neglect or refusal so to do upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

SECTION 11. That it shall be the duty of the treasurer to receive all Duty of treasurer. moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same on orders of the president or president pro tem.; he shall keep fair accounts of his receipts and payments and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers, and accounts belonging to the corporation, or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council with sureties thereon as they may require.

SECTION 12. That no money shall be drawn from the treasury but Orders on the treasury to be signed by the President, &c. by the authority of the council, on orders signed by the president thereof and attested by the clerk; it shall be the duty of the town council to settle the accounts of street commissioners, overseers of the poor, and of the several officers annually, and to cause a fair statement showing the receipts into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the month of May, by setting up at least four copies thereof in the most public places within the borough.

SECTION 13. That it shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Waymart at the same time and place where they vote for borough officers, to elect Election of constables. two respectable citizens of said borough for constables, and return the names of the persons so elected to the next Court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing or that may hereafter be passed concerning constables within this Commonwealth, and the said constable so appointed shall do and perform all the duties required to be done by the high constable of said borough in pursuance of this act and of the by-laws and ordinances of said borough.

SECTION 14. That the territory within the limits of the said borough shall be a separate district for school purposes, and for the levy and Erected into a separate school district. collection of county rates and taxes, and shall be a separate election

district, and hold all their elections at a separate window of the house of Hiram Westbrook, in said borough, and in all other respects shall be separate from the township of Canaan, in said county, and that all jurisdiction and powers of the officers of said township from the third Friday in May next shall cease and determine, except so far as to collect any taxes that may be then due and owing to them from the inhabitants of said borough.

SECTION 15. That from and after the passage of this act, the qualified electors of each of the wards of the city of Carbondale shall meet at their respective places of holding elections on Friday preceeding the first Tuesday in October next, at the hour of three o'clock in the afternoon, and shall proceed to vote by ballot for one judge and two inspectors of election in the same manner as is provided for by the fourth section of the act of the General Assembly of this Commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine, except that the duties of receiving the votes, making returns, and giving notices to persons elected, shall be done and performed by the respective aldermen of the said wards, who shall each take an oath to conduct said election impartially and according to the laws of this Commonwealth.

SECTION 16. That the said election shall be closed at six o'clock, P. M., and the persons elected as judges and inspectors of said wards respectively, shall have like powers and duties with other judges and inspectors of election in this Commonwealth; and hereafter such officers shall be elected at the annual charter election for the said city.

SECTION. 17. That the qualified electors of Carbondale township shall meet at the place for holding elections for said township at the time mentioned in the fifteenth section of this act, and in like manner proceed to elect one judge and two inspectors of election for said township, and the said election shall be held by the constable of said township for the time being, taking the same oath prescribed for the alderman in the fifteenth section of this act.

SECTION 18. That the second section of the act passed seventh day of March, one thousand eight hundred and forty-three, entitled "An Act authorizing the election of an additional justice of the peace in the borough of Greensburg, in the county of Westmoreland, and for other purposes," is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 239.

AN ACT

Authorizing Francis Patrick Kenrick, Bishop of Philadelphia, to convey certain real estate in the borough of York, and a supplement to the charter of the said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Francis Patrick Kenrick, Bishop of Philadelphia, trustee for the Catholic congregation of the borough of York, in the county of York, be and he is hereby authorized and empowered to grant and convey by deed all that part of a lot and dwelling situated on the east side of Beaver street, in the borough aforesaid, bounded on the north by lot of Christian List, on the east by property of George Dietz, on the south by other portion of said lot, and on the west by Beaver street, the proceeds of said sale to be applied to the purchase of a pastoral residence for the priest of said congregation.

Bishop Kenrick authorized to convey certain real estate in the borough of York.

SECTION 2. That from and after the passage of this act if any fire company, the members thereof or its adherents, shall be guilty of rioting or fighting in the public streets of the borough of York, in the county of York, in this Commonwealth, whilst going to, at, or returning from a fire, or to or from a false alarm, it shall be the duty of the Court of Quarter Sessions of the said county, upon complaint made to them thereof by any of the citizens of said borough, supported by affidavit, if the said court shall consider the complaint well founded, to declare said company out of service, and to declare it unlawful for the members of such company to act as a fire company for the space of six months, and to order their doors to be closed; and if after the expiration of that term they shall again be guilty of rioting or fighting as aforesaid, within the same year to disband said company, and declare it unlawful for them at any time thereafter to appear in the public streets as a fire company; and the person or persons who may be prosecuted in said court and found guilty of rioting or fighting as aforesaid, shall be liable to the same punishment as now provided by the laws of this Commonwealth for an aggravated riot.

Fire companies in the borough of York, for regulations of.

SECTION 3. That any person or persons who shall wilfully and maliciously deface, injure, or destroy any engine, hose bucket, carriage, vehicles, machinery, or apparatus belonging to any fire company or in their possession, in said borough, shall be deemed guilty of felony, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months or more than one year, and shall give security for future good behavior in such sum and for such time, according to the nature and enormity of the offence, as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this section, shall be fined in a sum not exceeding one hundred dollars for the use of the borough of York, or be imprisoned for a term not exceeding one year, or both at the discretion of the court, or may be held to bail for future good behavior.

Penalty for injuries to hose bucket, carriage, &c.

Penalty for carrying deadly weapons, &c.

SECTION 4. That any person who shall wilfully and maliciously carry any pistol, gun, dirk knife, slung shot, or deadly weapon in said borough of York, shall be deemed guilty of felony, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months nor more than one year, and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this section shall be fined in a sum not exceeding one hundred dollars, for the use of the borough of York, or be imprisoned for a term not exceeding one year, or both at the discretion of the court, or may be held to bail for future good behavior.

Width of pavements, &c.

SECTION 5. That the provisions of the fifth section of the supplement to the charter of the borough of York, approved the fifteenth day of March, Anno Domini, one thousand eight hundred and forty-four, relative to the widening of the pavements on High and George streets, shall be extended to all the other streets in the said borough of York: *Provided*, That the width of the pavements in all streets other than High and George streets shall be increased to fourteen feet and no more.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 240.

AN ACT

To incorporate the Towanda and Burlington Plank Road Company, to repeal certain road laws relating to Wyoming county, to extend certain road laws to certain townships in Wyoming and Susquehanna counties, to change the time of holding township elections in Wyoming county, declaring the south branch of Towanda creek a public highway, to prohibit the storage of saltpetre in large quantities in the city of Philadelphia and incorporated districts of the county of Philadelphia.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Mahlon C. Mercur, Joseph D. Montanye, Thomas Elliott, Miller Fox, Enos Tompkins, John F. Means, Joseph K. Smith, Orrin D. Bartlett, Eleazer T. Fox, Joseph Kingsbury, David F. Barstow, Edward Overton, Ulysses Mercur, Benjamin S. Russell, John F. Long, Addison McKean, Darius Bullock, John Blackwell, George C. Hill, Allen McKean, and Hiram Gee, of the county of Bradford, or any five of them, be, and they are hereby appointed commissioners to open books,

receive subscriptions, and organize a company by the name and style of "The Towanda and Burlington Plank Road Company," with power to Style. construct a plank road commencing at or in the borough of Towanda, in the county of Bradford, and running by the way of Mercur's Mill to a point at or near Burlington Corners, by such route as shall be deemed best and most practicable, and shall have power to lay the track of the same upon any public or private road that shall be deemed necessary: Location. *Provided however,* That the president and managers of said company may make or cause to be made any and such part or parts of said road a turnpike instead of a plank road, as in their judgment they may deem expedient, with all powers and authorities, and subject to all the provisions and restrictions of the "Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereunto, so far as they are not inconsistent with this act: *Provided,* It shall be lawful for said company to construct said plank road at a grade not exceeding five degrees. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of five hundred shares of fifty dollars each: *Provided,* That said company may from time to time by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may in their opinion be necessary to carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That any person who shall wilfully injure, break, or throw down any gate which shall have been erected on said road, or dig up or wilfully injure or spoil any part of said road, or anything thereunto belonging, or shall drag along or across said road any log, timber, wood, or stone, so that the same shall come in contact with the even surface of said road to its injury, he shall for every such offence forfeit to the corporation hereby created the sum of ten dollars in addition to the real damage sustained, which penalty may be recovered by said corporation in an action of debt before any justice of the peace in Bradford county, and a separate suit may be in like manner prosecuted and maintained by such corporation for the damages done to the said road. Penalty for injuries to company's works.

SECTION 4. That it shall not be lawful for any person or persons residing at or near any of the toll gates erected on said road, to enter on the said road on either side of said gate and make use of the same beyond the limits of his, her, or their farm, without paying the usual tolls to said company; and if said person or persons, or any other person or persons, shall so enter upon and use said road, or shall make use of any road, way, or passage to get round any toll gate, he, she, or they shall not only be liable to the said company for their regular tolls for the distance actually travelled by them respectively on said road, to be recovered as debts of like amount are by law recoverable with costs of suit, but shall also be liable to a penalty of ten dollars for each and every violation of the provisions of this section, recoverable with costs of suit as debts of like amount are now recoverable before any justice of the peace in Bradford county, one-half thereof for the use of the informer, who is hereby declared to be a competent witness in the case, and the other half for the use of the company. Penalty for avoiding toll-gate.

SECTION 5. That it shall be lawful for the said company to erect and set up gate or gates and to levy and collect tolls from persons travelling along or otherwise using the said road, at the rates prescribed in the act regulating turnpike and plank road companies already referred to, without further license, as soon as they shall have completed two miles of their said road. Gate.

Commencement and completion of road. SECTION 6. That if the said company shall not commence the construction of their road within two years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to settle the affairs and pay the debts of said company.

Repeal of certain road laws in Wyoming county. SECTION 7. That the act entitled "An Act repealing the act passed the thirteenth of April, one thousand eight hundred and forty-three, entitled 'An Act supplementary to an act relating to roads, highways and bridges, so far as regards certain counties therein named,'" be, and the same is hereby repealed, so far as the same relates to the county of Wyoming.

Certain road laws extended to Wyoming and Susquehanna counties. SECTION 8. That the first, second, third, fourth, fifth, sixth, seventh, and eighth sections of "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," passed the third day of March, one thousand eight hundred and forty-seven, be, and the same is hereby extended to the townships of Braintrim, Windham, Mehoapany, Tunkhannock, Eaton, Forkstone Falls, Nicholson, Clinton, Northumberland, Exeter, Monroe, and Lemon, in the county of Wyoming, and to the townships of Great Bend, Thompson, Springville, and Middletown, in the county of Susquehanna.

Elections in Wyoming county. SECTION 9. That the elections for inspectors and judges of the general elections, and all the township officers authorized by the existing laws of this Commonwealth, in the county of Wyoming, shall be held during the same hours, and by the persons elected to hold the election of inspectors and assessors on the second Tuesday in January of every year.

Repeal. SECTION 10. That so much of the laws of this Commonwealth relating to elections as are by this act altered or supplied, be, and the same is hereby repealed, so far as they affect the county of Wyoming.

South branch of Towanda creek declared a public highway. SECTION 11. That the south branch of the Towanda creek, in Bradford county, from its mouth to David Millers, in Albany township, in said county, be, and the same is hereby declared to be a public highway.

Storage of saltpetre in Philadelphia, regulated. SECTION 12. That from and after the passage of this act, it shall not be lawful for any person or persons to store, or deposit or keep in any ware-house, store, cellar, or other place within the limits of the city of Philadelphia or the incorporated districts of the county of Philadelphia, or in any ship, vessel, or other craft lying at or made fast to any wharf in front of said city or incorporated districts, any greater quantity of saltpetre at any one time than three kegs or three hundred pounds, and any person or persons who shall store or deposit, or keep any saltpetre in violation of this act, shall forfeit and pay for each and every offence the sum of one hundred dollars, to be recovered as debt of like amount are by law recoverable; one half of said sum to be paid to the informer and the other half to the use of the guardians of the poor of the Blockley Almshouse; and the whole quantity of saltpetre so stored, deposited, or kept, over and above the quantity of one hundred pounds as above named, shall be forfeited to the use of the informer: *Provided*, That nothing herein contained shall be so construed as to affect the reception and storage in any forwarding house located in said city or county, for a period not exceeding forty-eight hours, such quantity or quantities as may be offered and intended for transportation over any of the public works of the Commonwealth.

Further regulations. SECTION 13. That if any person shall appear before the mayor of the city of Philadelphia, or the mayor of the district of the Northern Liberties, or before any alderman in said city or any of the incorporated districts of the county, and shall upon oath or affirmation declare

that there is reason to believe that there is a greater quantity of saltpetre than is authorized by the foregoing section of this act, stored, deposited, or kept in any warehouse, store, cellar, shop, or other place within the limits of said district, or in any ship, vessel, or other craft lying at or near any wharf in front of said city or district, it shall be the duty of said magistrate to issue his warrant under his hand and seal commanding any constable or police officer for the time being, to search in the day time for saltpetre forbidden by this act, and for that purpose, if necessary, shall break open and enter by forcible means all such places in which it shall be alleged upon the oath or affirmation of said informant saltpetre is kept in violation of this act, and said officer shall seize and remove the same beyond the limits of said city and districts and sell the same at public sale or vendue, and after paying the expenses necessarily incurred in carrying this act into effect, shall pay the remainder of the proceeds of said sale into the hands of said informer, and said officer or informer shall not be sued for entering said property, nor for seizing, removing, detaining, or selling said saltpetre, nor shall any writ of replevin issue therefor, but all writs, actions, or cause of actions that may be brought against said officer or informer, are hereby declared illegal and abated.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 241.

AN ACT.

To appoint Tobias Shoemaker trustee of the person and estate of Samuel Henderson, a deaf and dumb person of the county of Westmoreland, incorporating the Somerset and Conemaugh Plank Road Company, to provide for the sale of certain turnpike roads in the county of Somerset, relative to Paspey's school district, in the county of Westmoreland, authorizing the Tenth Presbyterian Church of Philadelphia to purchase and hold certain real estate, and relative to the claim of John Ross, of Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Tobias Shoemaker, of the township of Hempfield, in Westmoreland county, is hereby appointed a trustee or guardian over the person and estate of Samuel Henderson, of the township aforesaid, a deaf and dumb person, and the said Tobias Shoemaker is hereby authorized and* **Trustee appointed for Samuel Henderson**

empowered to take charge of the person and estate of the said Samuel Henderson.

Duties.

SECTION 2. That before the said Tobias Shoemaker shall enter upon his duties as guardian or trustee as aforesaid, he shall give bond in the name of the Commonwealth of Pennsylvania, with one or more sureties, in any sum not exceeding five hundred dollars, conditioned for the faithful fulfilment of the trust as aforesaid confided to him, and for the rendering to the Court of Common Pleas of Westmoreland county annually in the month of May in each year, a just and true account of all moneys which he may have received on account of the said Samuel Henderson, and of all moneys which he may have paid, laid out, or expended towards the maintainence or keeping of the said Samuel Henderson in a decent and comfortable manner, which said bond shall be approved of by the Court of Common Pleas of said county, and the passage of the account aforesaid by the court aforesaid shall be a sufficient voucher to the said Tobias Shoemaker for all moneys so paid, laid out, and expended for the use of the said Samuel Henderson.

Court of Common Pleas of Westmoreland county to appoint in case of death, &c.

SECTION 3. That in case of the death, resignation, or refusal of the said Tobias Shoemaker to accept of the office of guardian or trustee as aforesaid, the Court of Common Pleas of Westmoreland county is hereby authorized and empowered to appoint a suitable person to take charge of the person and estate of the said Samuel Henderson, and as often as said guardianship shall become vacant from whatever cause, to appoint a proper person to said office, imposing such terms and conditions as to said court shall appear just and equitable.

Commissioners.

SECTION 4. That Abraham Beam, John Marteeny, Jacob Neff, Samuel Murphy, George Shunk, Michael Sipe, Ross Forward, John H. Halderbaum, Christopher Beam, John Casebeer, William Calvin, John W. Parker, Joseph B. Earl, John O'Conner, George W. Kern, E. A. Vickroy, and Daniel Barnes, all of Somerset and Cambria counties, or any six of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Somerset and Conemaugh Plank Road Company," with power to construct a plank road from the borough of Somerset, in Somerset county, to Johnstown, in the county of Cambria, on the bed of the turnpike located between those two points, if deemed expedient by the directors.

Style.

Location.

Capital stock.

SECTION 5. That the capital stock of said company shall consist of two thousand shares at twenty-five dollars per share: *Provided*, Said company may, from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Commencement and completion of road.

SECTION 6. That if the said company shall not commence the construction of said road within two years from the passage of this act, and complete the same within four years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

Subject to provisions of certain act.

SECTION 7. That the said plank road company shall be subject to all the provisions (so far as they are not inconsistent with the foregoing sections of this act), of the act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 8. That for the purpose of giving to the creditors of the Somerset and Cumberland, Somerset and Mount Pleasant, and Somerset

and Conemagh Turnpike Road Companies, a more effectual remedy for the recovery of their debts, it is hereby declared to be lawful for any of the judgment creditors of either of said companies to issue a fieri facias on any said judgments now of record in the Court of Common Pleas of Somerset county, directed to the sheriff of said county, authorizing him to sell to the highest and best bidder any or either of said roads, with the franchises thereunto belonging, the sale to be made in accordance with the provisions of existing laws relative to sales of real estate within this Commonwealth, and the purchaser or purchasers of said roads and their vendees and assigns shall have full power to conduct and manage the business to be done on said roads by such agents and officers as he or they may deem necessary to appoint, who shall be invested with the same rights, privileges, and powers, and be subject to the same duties that are conferred and enjoined on the officers of said companies by their charter and acts of incorporation, and may also use the corporate names and seals of said companies, and shall be vested with all the rights and privileges, and be subject to all the restrictions imposed upon turnpike and plank road companies contained in the act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto in respect to tolls and freight, and hold and enjoy the said roads, with all the said franchises, rights, and privileges, free and discharged from all debts and incumbrances by said sale.

Relative to the sale of certain turnpikes in Somerset county.

SECTION 9. That the amount directed to be paid by the provisions of the second section of the act to which this is a supplement to the use of the school district known as Paspey's school house in Unity township, Westmoreland county, be, and the same is hereby applied to the support of summer schools in said district.

Paspey's school in Westmoreland county, relative to.

SECTION 10. That the "Tenth Presbyterian Church in the city of Philadelphia," be, and they are hereby authorized and empowered to purchase all that certain one-story brick school house, messuage or tenement, and lot or piece of ground situate in Moyamensing township, in the county of Philadelphia, in the State of Pennsylvania, on the south side of Tidmarsh street at the distance of one hundred and fifty-one feet westward from the west side of Delaware Ninth street, containing and extending in front or breadth westward on the said Tidmarsh street forty feet, and in length or depth southward between parallel lines one hundred feet more or less, bounded northward by the said Tidmarsh street, eastward by a lot of ground granted by Mary Ballor to William M. Taylor, southward by ground now or late of George Goodwin, and westward by other ground now or late of the said Mary Ballor, together with all and singular the appurtenances whatsoever thereunto belonging, and to receive a conveyance of the said premises with the appurtenances in fee simple, and to have, hold, and enjoy the same for the uses and purposes of a Sunday school and public worship, or such other uses and purposes as they may deem proper and expedient, and to sell and dispose of, grant and convey the same, or any part thereof at their will and pleasure.

Tenth Presbyterian Church of Philadelphia authorized to purchase and hold real estate.

SECTION 11. That the Auditor General be, and he is hereby authorized to settle upon principles of equity and justice the accounts of John Ross, late supervisor of the Juniata division of the Pennsylvania Canal, for boarding and provisions furnished the hands employed in repairing the breach on that division in the year one thousand eight hundred and forty-seven, by directions of the Board of Canal Commissioners, and draw his warrant on the State Treasurer for whatever amount may be

Auditor General authorized to settle the accounts of John Ross.

found due him, to be paid out of any moneys in the treasury not otherwise appropriated.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 242.

AN ACT

For the regulation and government of the Montgomery County Prison, to incorporate the Catfish, Brady's Bend, and Butler Plank Road Company, and in relation to the Easton Water Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the county prison now being erected by the commissioners of Montgomery county, shall be called "The Montgomery County Prison," and shall be managed by a board of six inspectors, citizens of said county to be appointed as hereinafter provided, who shall serve without compensation; a majority of whom shall constitute a quorum for the transaction of any business. At the first session of the Court of Quarter Sessions of said county, held after the passage of this act, the said court shall appoint three reputable taxable citizens of said county inspectors of said prison—one to serve till the first day of April, eighteen hundred and fifty-two—one to serve till the first day of April, eighteen hundred and fifty-three, and one to serve till the first day of April, eighteen hundred and fifty-four; and within thirty days after the passage of this act, the board of county commissioners of said county shall appoint three respectable taxable citizens of said county—one to serve till the first day of April, eighteen hundred and fifty-two—one to serve till the first day of April, eighteen hundred and fifty-three, and one to serve till the first day of April, eighteen hundred and fifty-four; and in case the court shall omit to appoint said inspectors at the time mentioned, the president of said court and one or more of the associate judges may appoint the said inspectors in vacation. And annually thereafter, the said court at the first session in each year, and the said board of county commissioners in the month of February in each year, shall each appoint one inspector of said prison, who shall serve for three years from the first day of April ensuing their appointment, and until a successor shall be appointed. When a vacancy occurs in the board of inspectors, the same shall be filled by the authority that appointed the inspector whose place is to be filled, within thirty days after receiving notice of such vacancy. And it shall be the duty of the

Style.

Board of inspectors.

Inspectors, appointment of.

president of the board to give notice of every such vacancy as soon as practicable after the same may happen.

SECTION 2. That the inspectors, at their first meeting after their appointment, and at their first meeting held after the appointment of the two new inspectors, every year thereafter, shall appoint one of their number president of the board, and also appoint a secretary, who shall hold their offices one year, and until a successor shall be appointed. The secretary shall keep correct minutes of the proceedings of the board. The inspectors shall hold a meeting once in each month, and oftener if necessary. The board of inspectors shall make such rules and regulations as they may deem necessary for the government of the prison, not inconsistent with the Constitution and laws of the Commonwealth, or with the principles of separate confinement provided by this act. At the meeting at which a president and secretary are to be appointed in each year, and at such other times as may be fixed by the by-laws, the board of inspectors shall nominate, and with the approbation of the Court of Quarter Sessions, appoint a keeper, a matron, and a physician for the prison, and shall fix their compensation and the compensation of all the other persons employed about the prison. They shall direct the manner in which all articles and supplies necessary for the support and employment of the persons confined in said prison shall be purchased, and the sale of all articles manufactured therein, and shall direct the manner in which the convicts confined in said prison shall be employed. They shall determine the kind and quantity of food that shall be furnished daily to each person confined in said prison and the debtors' apartment. They shall determine the bedding of all convicts, prisoners, and debtors—the quality, form, and color of the uniform for the convicts. One or more of the inspectors shall visit the prison and the debtors' apartment once a-week, and oftener if necessary, and see that the duties of the several officers and attendants are duly performed; and they shall take proper measures to prevent oppression, speculation, and other abuses or mismanagement in the prison. They shall on their visits speak to each person confined in the prison, on which occasions they shall not be attended by any of the officers of the prison, unless their attendance be especially required by the visiting inspector or inspectors. The inspectors shall be furnished by the keeper with a calendar of the persons confined in the prison and debtors' department whenever required, so that they may know by actual inspection whether all the persons named in said calendar are confined in the respective cells and apartments assigned to them, and that the convicts are kept as shall have been directed by the board. They shall have power to examine any person upon oath or affirmation, or otherwise, touching any abuse or oppression in the prison and debtors' apartment, or touching any other matter within the purview of their duties. They may at any time, with the approbation of the president and one of the other judges of the Court of Quarter Sessions, dismiss any keeper, matron, or physician, and appoint another in his or her place, in the manner herein provided, and fill all other vacancies otherwise occurring in said offices. They shall make a report in writing to the Court of Quarter Sessions of said county, on the first day of the first term in every year, and at such other times as the court may direct, of the condition and state of the prison; which report shall contain the number of prisoners in confinement, their names, age, sex, alleged place of nativity, time of commitment, for what cause and offence committed, and of those, if any, who have escaped, and have been pardoned or discharged, with the particulars connected therewith, and their observations, experience, and opinions to the efficiency of the system of sepa-

Officers.

Meeting of Inspectors.

Powers of Inspectors.

Keeper, matron, &c.

Visits to the prison by the Inspectors.

Powers.

rate confinement, and give such information as they may deem expedient for making the prison effectual in the punishment and reformation of offenders; whereupon the said court shall take such order on such report as they shall think necessary, and the same shall be filed in the office of the clerk of the court aforesaid.

May discharge
under insolvent
laws.

SECTION 3. That the board of inspectors of the prison may discharge from prison without any proceeding under the insolvent laws of this Commonwealth, every convict who shall have served out the term of his imprisonment, notwithstanding such convict shall not have paid the costs of prosecution, fine to the Commonwealth, or restored property stolen, or paid the value thereof, if in the opinion of the said board of inspectors such convict is unable to pay or return the same: *Provided always*, That such discharge shall in no way interfere with the rights of the Commonwealth, the public officers, or of any person interested in the payment of such costs or fine, or the restitution of property stolen; but no such discharge shall be allowed or granted by the said board of inspectors until such convict shall have exhibited to them on oath or affirmation, duplicate schedules of all his property, so far as he can ascertain the same; one of which schedules of property shall be filed and preserved with the papers of the prison, and the other forthwith delivered to the clerk of the Court of Quarter Sessions of Montgomery county, who shall file the same in his office.

Reception of
convicts.

SECTION 4. That it shall be the duty of the Court of Quarter Sessions of the said county to determine at what time the prison shall be completed and prepared, and suitable to be delivered into the charge of the inspectors to receive convicts and other prisoners into their charge and control, from the custody of the sheriff; and when the court shall so determine and decree, an entry thereof shall be made on the record of said court, from which time this law shall go into full force and effect, and the custody and care of the sheriff of prisoners then confined and under his care in the present jail and in the new prison shall then cease.

When prison
completed In-
spectors to take
charge, &c.

SECTION 5. That as soon as "The Montgomery County Prison" shall be completed and be prepared for the reception of prisoners, to be determined as aforesaid, the inspectors thereof appointed pursuant to this act shall take charge of said prison, and thereupon issue their order to the sheriff of said county (who is hereby authorized and directed to execute the same), commanding the sheriff forthwith to deliver all prisoners then in his charge in the present prison and in the new prison, to the keeper thereof, who shall each be confined in the cell or apartment assigned to him or her, and therein undergo the sentence or term of imprisonment imposed on such prisoners, as nearly as may be practicable, until the term of imprisonment shall expire, or until such person be otherwise legally discharged.

Official visitors.

SECTION 6. That the official visitors of the prison shall be the Governor, the members of the Legislature, the Secretary of the Commonwealth, the Judges of the Supreme Court, the President Judges of all courts in the State, the Attorney General and the President and Associate Judges, District Attorney, the Grand Jury, Commissioners, Sheriff, and Coroner of the county. No person who is not an official visitor, or who has not a written permission granted according to the rules the inspectors may adopt (excepting Attorneys-at-Law who shall desire to visit their clients confined for trial), shall be allowed to visit the prison. None but the official visitors shall have any communication with the convicts. No visitor whatever shall be permitted to deliver to, or receive from any convict or other person confined in the prison, any letter or message whatever, or to supply them with any articles of any kind,

excepting letters or messages to or from persons confined for trial, which shall have been before submitted or communicated to the keeper or one of the inspectors, and permission in writing granted by him; nor supply any person confined in prison with any article of any kind without such permission, under the penalty of one hundred dollars for each offence. Any visitor who shall discover any abuse, infraction of law, or oppression, in which any officer or other person employed about the prison is implicated, shall immediately make the same known to the board of inspectors, or to the Judges of the Court of Quarter Sessions if any of the inspectors are implicated.

SECTION 7. That the keeper shall, before entering on the duties of his appointment, be duly sworn or affirmed truly and faithfully to discharge the duties of his office, a copy of which oath or affirmation shall be filed among the papers of the inspectors. He shall also before entering upon the duties of his office, give bond to the Commonwealth of Pennsylvania in such an amount and with such security as the Judges of the Court of Quarter Sessions of the county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by this act, or by any subsequent act that may be passed, or by the rules of the inspectors; for a just and accurate account of all moneys, goods, chattels, and effects of all kinds and description whatever that may come into his hands, or that may be placed under his care in pursuance of said appointment on behalf of said prison, or by any person confined therein: for the delivery to his successor in office of all books, papers, and documents; also, of all goods, chattels, and effects which he may have and hold in the right of said appointment; and for the payment of any balance of money belonging to said prison, or any person confined therein remaining in his hands, and for safe keeping of all prisoners and other persons committed to his charge; which bond shall stand for the use of any person or persons injured by the acts or delinquencies of said keeper, and may be proceeded on by any person aggrieved, in the same manner as is directed with regard to sheriff's bonds. And all other persons employed in or about the prison, shall, if the inspectors require it, give bond with security in such amount as they may direct, conditioned as near as expedient to that of the keeper, and in such manner as the inspectors shall fix and determine, said bond to be approved by said inspectors; said bond of treasurer and keeper to be taken and acknowledged before the Recorder of Deeds of the said county, and recorded in his office at the cost of the respective officers, and the original bonds shall be filed by the inspectors in their office; copies of the record of any of the said bonds acknowledged and recorded as aforesaid, and duly certified by the Recorder of Deeds for the time being, shall be good evidence in any action brought against such treasurer or keeper, or their sureties, on such bonds, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Keeper to be sworn, &c.

Give bond.

SECTION 8. That the keeper of the prison when qualified to act, and when he shall have entered on the discharge of his duties, shall, and he is hereby required and directed to receive and take charge of all persons lawfully committed by any court, judge, alderman, or justice of the peace, or other officer having power to commit to prison; and said keeper shall be responsible for the safe keeping of all persons so committed in the same manner and to the same extent that sheriffs and jailors are now by law held liable.

Duties of keeper.

SECTION 9. That the keeper shall reside in the prison, and shall not absent himself for a night without the consent of two of the inspectors in writing; he shall visit every cell and apartment, and see and inspect

Keeper to reside in prison.

the condition of every person confined in the prison twice every day, and oftener if practicable, and when visiting the departments of the females shall be attended by the matron; he shall keep a journal in which he shall regularly enter the reception, discharge, death, pardon, or escape of the prisoners, the complaints that are made, and the punishments inflicted for breach of prison discipline, as they occur, the visits of the inspectors and physician, and all other occurrences of note that concern the state of the prison; he shall, with the advice of the inspectors, appoint the under keepers, if in the opinion of the inspectors any be necessary, and dismiss them whenever the inspectors direct him so to do; he shall report all infractions of the rules to the inspectors, and with the approbation of an inspector punish the offender in such manner as shall be directed by the rules of the prison; he shall take charge of, keep, and preserve all money, effects, and clothes found on any person brought into prison to be confined as a convict or prisoner, and shall deliver the same to such person or order when discharged, and at other times by the order of an inspector, who may at any time think such money or effects, or any portion thereof, would be necessary and proper for such person; he shall see that all meals are regularly delivered to the prisoners according to the prison allowance, and shall superintend the work of the convicts who may be employed in the prison; he shall give immediate notice to the physician whenever any person confined in the prison shall complain of sickness requiring medical aid; he shall obey all orders given by the inspectors, and conform to all rules established for the government of the prison.

Matron to reside
in prison.

SECTION 10. That the matron shall reside in the prison and shall not absent herself for a night without the consent of the keeper and two of the inspectors in writing; she shall visit every cell and apartment occupied by a female, and see and inspect the condition of every female prisoner twice a-day and oftener if necessary; she shall faithfully inform the keeper daily, and oftener if necessary, of every matter of importance relative to the persons, cells, and of all other matters under her care; she shall direct the labor and occupation of the female prisoners under the general direction of the keeper, and give such instruction as may tend to their reformation, and render them useful members of society.

Physician, visits
of.

SECTION 11. That the physician shall visit every prisoner once in every two weeks, and oftener if his or her state of health require it, and report in writing once in every three months to the inspectors; he shall attend immediately on notice from the keeper that any prisoner is sick, and prescribe and administer medical aid to such prisoner; he shall on the reception of any person into the prison as a convict, if present, or if not, at his next visit, examine the state of his or her health; he shall direct the diet of prisoners under his care, and such other matters as in his judgment will best promote their health, convenience, and comfort.

Under-keepers.

SECTION 12. That the under-keepers shall inspect the condition of every person committed to their care three times in every day, and oftener if directed. They shall see that all meals are regularly delivered to the prisoners according to the prison allowance and rules, and superintend, under the general direction of the keeper, the work of all prisoners who are employed. They shall give immediate notice to the keeper, or in his absence to the physician, whenever any person confined shall complain of illness requiring medical aid. Each one of the under-keepers shall have a certain number of persons confined assigned to his care by the keeper, and he shall make a daily report to the keeper of their health and conduct; and no under-keeper shall be present when

the keeper or any of the inspectors shall visit the persons confined under his particular care, unless required. They shall obey all orders given by the keeper, conform to all rules established for the government of the said prison. All orders to the male under-keepers must be given through or by the keeper, and to the female keepers through or by the keeper or matron. They shall not absent themselves from the prison during the hours of duty without permission in writing from the keeper.

SECTION 13. That on the reception of any person for imprisonment for debt, or for a fine, forfeiture, or penalty, or for costs consequent on any breach or violation of law, not an indictable offence, he or she shall be confined in the Debtors' Apartment, and kept in the manner provided by the laws of this Commonwealth in relation to debtors. Debtors apart-
ment.

SECTION 14. That on the reception of any person committed for trial, he or she shall be examined by the keeper in the presence of the officer or other person delivering such prisoner, and such of the inspectors as may be present, and also such under-keepers as can conveniently attend: And all money and effects, clothing excepted, shall be taken from the prisoner so committed, of which an entry shall be made in a book provided for that purpose;—such entry shall be signed by the keeper and attested by the persons who may be present at the examination and taking of such clothing, money, and effects, which clothing, money, and effects shall be kept and preserved, and restored to the prisoner when discharged from imprisonment. The prisoner shall, if necessary, be bathed and cleansed and placed in the Debtors' Apartment, unless otherwise ordered by the board of inspectors and keeper. If deemed advisable and practicable by the board of inspectors, the female prisoners shall be confined in the second story of the prison. The prisoners mentioned in this section shall be numerically designated, by which each may thereafter be known during his or her imprisonment. Such prisoners shall be provided, when in the opinion of the inspectors it is necessary for their comfort, with suitable clothing to be worn while in prison. They shall be subject to such rules as the inspectors may adopt for the preservation of cleanliness, decorum, and order in the cells among the prisoners, and may be punished by closer confinement and deprivation of food to compel obedience to such rules. No such prisoner shall be discharged while laboring under any dangerous disease, unless by his or her own desire. Two changes of linen shall be furnished to each prisoner every week in summer, and one to each, every week in winter. Persons committed for trial shall not be compelled to labor, unless at their own desire, and should any such prisoner desire to work, he or she shall, as soon as practicable, be put to labor at such work as may be carried on in the prison; and in case of acquittal and discharge, he or she shall be paid for the labor performed, by the inspectors, out of the funds of the prison, such sum as the inspectors of the prison shall adjudge to be fair and proper; and every such person may procure books and writing material at his or her own expense, and shall be allowed to read and write, subject nevertheless to such restrictions as the inspectors may prescribe in relation thereto. Examination of
prisoners.

SECTION 15. That on the reception of a convict, he or she shall be examined by the keeper in the presence of one or more of the inspectors who may be present, and of the under-keepers who can conveniently attend, touching his or her name, parentage, alleged place of nativity, profession, occupation or trade, complexion, color of hair, eyes, and have the convict's height and the length of his or her feet accurately measured; and take a note of all natural and accidental marks and peculiarities of feature or appearance, which may serve to identify the Examination of
convicts.

person; and if the convict can write, he or she shall be required to write his or her name or signature to the description of his or her person. The convict shall then be examined by the physician if present, as to his or her health, and all money, effects, and clothes on the person shall be taken, kept and preserved, and afterwards delivered to the prisoner as before provided; all of which shall be entered in a book provided for that purpose. The prisoner shall then be bathed, cleansed, and clothed in the uniform of the prison, and placed in the cell assigned him or her. If deemed advisable and practicable by the board of inspectors, the female convicts shall be placed in cells in the second story of the prison, and the prisoners shall be numerically designated, by which he or she shall thereafter be known during his or her confinement in said prison. No convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, nor be permitted to receive anything but the prison allowance. And any person who shall supply, or attempt to supply, any convict with any article herein forbidden, shall on conviction be fined not less than twenty nor more than one hundred dollars; and if a keeper, or other officer, or any person employed about the prison shall violate the said provisions, shall also be dismissed. No convict shall be discharged while laboring under any dangerous disease, unless by the convict's own desire. Nor shall any convict be discharged in violation of the act of Assembly passed the eighteenth day of February, Anno Domini, one thousand eight hundred and forty-seven, relative to the discharge of convicts. The uniform of the male convicts shall be a jacket of cloth and trousers of the same or other warm stuff for the winter, and lighter materials for the summer, the form and color of which, and the kind of dress to be worn by the female convicts, shall be determined by the inspectors. Two changes of linen shall be furnished to each convict every week in summer, and one change every week in winter. When a convict shall be discharged, the clothes belonging to the convict shall be taken off, and the clothes and money and effects taken from him or her at the time of reception into prison not before recovered, shall be restored. If he or she shall not possess any money or suitable clothing, the inspectors shall provide the convict with what in their judgment may be necessary, not exceeding in money and clothing five dollars in amount.

Sentence before
the completion
of prison.

SECTION 16. That every person who shall hereafter and before the completion of the Montgomery County Prison, be convicted in any court of criminal jurisdiction in the county of Montgomery of any crime or misdemeanor, the punishment of which shall be imprisonment and labor in the penitentiary; when sentenced by the court, also, then shall be sentenced by the court to undergo such imprisonment and labor in the Eastern Penitentiary until the Montgomery County Prison shall be completed and prepared for the reception of convicts, if the same shall be completed before the sentence expires, and then to be removed from said penitentiary to "The Montgomery County Prison," to undergo the imprisonment and labor in the Montgomery County Prison for the residue of the time of such sentence,—and the convict, upon the completion of the prison shall be delivered up to, and taken from said penitentiary and delivered into the Montgomery County Prison by the sheriff of said county, on the order of the court in which such person was convicted and sentenced.

Sentence after
completion of
prison.

SECTION 17. That every person who shall after the completion of the Montgomery County Prison be convicted in any court of criminal jurisdiction in said county of any such crime or misdemeanor, shall be sentenced by the proper court to undergo said punishment in said

prison; and every person who shall hereafter be convicted in Montgomery county of any offence now punishable by imprisonment in the county jail, shall be sentenced to undergo his or her imprisonment in the Montgomery County Prison, and in such case the said court shall designate in their sentence whether the said criminal shall be confined in the debtors' or other apartments of said prison; and every such person shall be kept in the present county jail until a suitable, safe, and comfortable cell or apartment in the new prison shall be prepared for their reception. And when the county commissioners shall have prepared any suitable cell or cells or apartments in the new prison now being built, and the same shall be in a dry and healthy condition, fit for the reception and accommodation of the prisoners convicted as last aforesaid, and such as may heretofore have been sentenced to imprisonment in the county jail, and other persons then confined in the county jail, the said commissioners shall certify the same to the inspectors of said prison appointed as aforesaid, who shall forthwith cause all persons then confined in the county jail to be removed therefrom to the cells and apartments prepared for them as aforesaid, and shall cause said persons to be kept and imprisoned in such cells and apartments until the Montgomery County Prison shall be completed, and said inspectors shall take charge of the same under the order of the court to be made as before provided. And when the persons confined in the county jail shall have been removed therefrom as aforesaid, the sheriff shall forthwith vacate the present county jail.

SECTION 18. That no inspector, keeper, or other person appointed or employed to execute any duty, trust, or work in and about the prison, shall, without permission from the board of inspectors, sell any article of any kind to any prisoner, or to or for the use of the prison, or be directly or indirectly in any way concerned in any contract connected with such sale, or derive any emolument or advantage from such sale or contract; nor shall either or any of them extend to any person confined in the prison any favor, lenity, or mitigation of punishment, or inflict any punishment not authorized by law or by the rules that shall be adopted by the inspectors in accordance with law; nor shall they receive under any pretence whatever, from any person confined in said prison, or from any one else on his or her behalf, any money, reward, gratuity, or gift whatever; and any violation of this law, or any subsequent act relating to said prison, shall be considered and adjudged to be a misdemeanor; and on conviction of any person of such offence in the Court of Quarter Sessions, the person so convicted shall be punished by a fine of not less than twenty nor more than three hundred dollars, and be imprisoned for any term not less than one nor more than twelve months, and shall be immediately removed from his office, appointment, or employment.

Sale of articles of any kind to prisoners prohibited.

SECTION 19. That from and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her confinement in the Montgomery County Prison, unless the coroner of said county be thereunto required by the inspectors of said prison, except in cases of murder, suicide, manslaughter, or death caused by casualties. And it shall be the duty of the attending physician of said prison to certify to the inspectors thereof the name and age of every person who may die in said prison, and the disease or cause of death of each person, so far as he can ascertain the same, which certificate the inspectors of said prison shall cause to be entered in a book to be kept for that purpose, and the original shall be delivered to the clerk of the Court of Quarter Sessions of the county, to be filed in his office for the inspection of all persons interested. And the inspectors of said prison

Inquests.

shall, unless when the friends of the deceased will take charge of the body, have such dead person buried in the county burial ground in the borough of Norristown.

Recovery of penalties.

SECTION 20. That the penalties imposed by this act for the recovery of which is not herein specially provided for, shall be recovered in the name of the county of Montgomery, for the use of said county before any justice, alderman, or court of record having jurisdiction of sums of that amount.

Funds for the keeping, &c., of said prison.

SECTION 21. That for the funds necessary for keeping, furnishing, and maintaining said prison in conformity with the provisions of this act, the inspectors are hereby authorized to apply to the commissioners of said county, and if it shall appear to said commissioners that the sum applied for is reasonable, and that the accounts of the said inspectors are properly kept and adjusted, the said commissioners shall forthwith draw an order on the treasurer of said county in favor of the treasurer of said prison, for the use thereof, for such sum as shall be necessary to satisfy such demands.

Duties of county commissioners.

SECTION 22. That the treasurer of said county of Montgomery shall, in addition to his other duties, receive all moneys belonging to the "The Montgomery County Prison," and shall disburse the same on orders drawn on him by the board of inspectors of said prison. He shall keep a true separate account of all moneys received and disbursed, which account shall at all times be open for the inspection of the inspectors, and each of them, and the commissioners of Montgomery county. He shall once in each year state his accounts and produce his vouchers, which, after examination by the inspectors, shall by them be laid before the County Auditors for settlement at the time and place where the auditors meet for the purpose of settling the accounts of the commissioners and other officers, and be acted and reported on as accounts of county officers are by law authorized to be settled, and subject to the same laws relative thereto, and be subject to like appeal, issue, and judgment; which account when so settled the inspectors shall cause to be published as the annual accounts of the county commissioners and treasurer are published. The treasurer shall give bond to the Commonwealth for the use of the said county of Montgomery in such amount and with such security as the judges of the Court of Quarter Sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by law; for a just account of all moneys that may come into his hands in behalf of said prison;—for the delivery to his successor in office of all books, papers, and documents, and other things held in right of his office for said prison, and for the payment by him of any balance of money belonging to said prison remaining in his hands. The said treasurer shall receive such compensation for his services as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

Repeal.

SECTION 23. That when the Montgomery County Prison shall be completed and prepared to receive convicts, debtors, and others generally, as contemplated by this act, to be determined as aforesaid, and they shall be ordered to be taken out of the custody of the sheriff and delivered into the charge of the board of inspectors; all acts of Assembly heretofore passed on the subject of county prisons inconsistent with this act are hereby repealed, so far as regards Montgomery county, and "the Montgomery County Prison."

Removal of prisoners from the E. S. P.

SECTION 24. That whenever said court shall have determined that said prison is fit for the reception of convicts and prisoners, it shall also forthwith issue an order to the officers and keeper of the Eastern Peni-

tentiary of this State, for the removal of all prisoners who have at any time been sentenced to servitude in said penitentiary, to the said prison in which they shall serve out the unexpired time of their several sentences, which order shall be executed by the sheriff of Montgomery county.

SECTION 25. That J. E. Gould, J. M. Freeman, and William Criswell, of Clarion county, M. C. Sedwick, Henry Seibert, senior, Richard Jennings, James Selden, James K. Tittle, William Devinney, James Wilson, H. D. Dudley, and John Wosel, of Armstrong county, William M'Culloch, John Thompson, Marius Gillespie, John Goff, John Bredin, Samuel A. Purviance, Jacob Mechling, Jr., W. S. Boyd, and John Gilchrist, of Butler county, or any five of them, be, and they are hereby appointed commissioners to open the books, receive subscriptions, and organize a company by the name, style, and title, of "The Catfish, Brady's Bend, and Butler Plank Road Company," to locate and construct a plank road from Catfish Falls in the Allegheny river, by way of the Brady's Bend iron works to Butler, in the county of Butler, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections. Commissioners.
Style.
Location.
Subject to provisions of certain act.

SECTION 26. That the capital stock of said company shall consist of fifteen hundred shares of twenty dollars per share: *Provided*, That said company may from time to time at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act. Capital stock.

SECTION 27. That if the said company shall not commence the construction of said road within three years from the passage of this act and complete the same within ten years thereafter, this act so far as it relates to said road shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

SECTION 28. That the county commissioners of the county of Northampton, and the town council of the borough of Easton, or either of them, are hereby authorized and empowered to subscribe to the capital stock of the Easton Water Company any such number of shares as they may deem right and proper, in which event the commissioners of said county and the town council of the said borough shall have the right to vote at the elections of the said company under the same provisions as private individuals. Easton Water Company.

SECTION 29. That the said corporation be empowered to borrow from time to time the sum of five thousand dollars in addition to the ten thousand dollars heretofore authorized. Borrow money.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 243.

AN ACT

To repeal the seventh, eighth, and ninth sections of an act passed the fifth day of April, Anno Domini, one thousand eight hundred and forty-nine, entitled "An Act to vacate Long Lane, in the county of Philadelphia, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the seventh, eighth, and ninth sections of an act passed the fifth day of April, one thousand eight hundred and forty-nine, entitled "An Act to vacate Long lane, in the county of Philadelphia, and for other purposes," be, and the same are hereby repealed: Provided, That the passage of this act shall not be construed to affect or impair any promissory notes, post notes, notes of hand, due bills, or other contracts made or entered into between the fifth day of April, A. D., eighteen hundred and forty-nine, and the date of this law.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

We do certify that the bill entitled "An Act to repeal the seventh, eighth, and ninth sections of an act passed the fifth day of April, Anno Domini, one thousand eight hundred and forty-nine, entitled 'An Act to vacate Long Lane, in the county of Philadelphia, and for other purposes,'" was presented to the Governor on the twenty-sixth day of March, one thousand eight hundred and fifty-one, and was not returned within ten days, Sundays excepted, after it had been presented to him, wherefore it has agreeably to the Constitution of this Commonwealth become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

SAMUEL W. PEARSON,

Clerk of the Senate.

Harrisburg, April 8th, A. D., 1851.

No. 244.

AN ACT

To repeal so much of the ninth section of an act entitled "An Act to incorporate the Lewisville and Prospectville Turnpike Road Company, in Montgomery county, and relating to certain State roads in Allegheny and Washington counties, and in Luzerne, Schuylkill, and Columbia counties, and in relation to the first United States Bank and courts of Quarter Sessions," as authorizes the extending and laying out of a State road from Conyngham, in Luzerne county, thence to the Susquehanna river, at the ferry near the house lately occupied by Conrad Diedrich, thence to cross the river and pass through the notch in the mountain near the residence of Robert Henderson, in Luzerne county, and thence to the house of James Hess.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the ninth section of an act entitled "An Act to incorporate the Lewisville and Prospectville Turnpike Road Company, in Montgomery county, and relating to certain State roads in Allegheny and Washington counties, and in Luzerne, Schuylkill, and Columbia counties, and relative to the first United States Bank, and Courts of Quarter Sessions," approved the twenty-second day of April, Anno Domini, one thousand eight hundred and fifty, as authorizes the extending and laying out of a State road from Conyngham, in Luzerne county, thence to the Susquehanna river at the ferry near the house lately occupied by Conrad Diedrich, thence to cross the river and pass through the notch in the mountain near the residence of Robert Henderson, in Luzerne county, and thence to the house of James Hess, in Columbia county, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 245.

AN ACT

Authorizing the acting executrix of Andrew Newell, late of Huntingdon county, deceased, to sell certain real estate, authorizing the guardian of John G. Trimble, a minor, to sell and convey real estate of said minor, and for other purposes, in relation to the name of Philip Shultz, deceased, of Huntingdon county, providing for the collection of road taxes in Allegheny township, Blair county, to incorporate the Birmingham Female Seminary, and in relation to the sale of certain real estate.

Executrix of
Andrew Newell
authorized to
sell certain real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Margaret Newell, acting executrix of Andrew Newell, late of Huntingdon county, deceased, be, and she is hereby authorized and empowered to sell, either at public or private sale, and to convey to the purchaser or purchasers in fee simple, the following real estate, late the property of said deceased, viz.: All that plantation and tract of land situate in the townships of West and Barre, in said county, adjoining lands of John Henderson on the south, Josiah Cunningham on the east, William Miller, David Ewing, and Thomas Ewing on the north, and Robert Moore and William Moore on the west, containing two hundred and forty-two acres, and allowance, be the same more or less, being the same tract of land which was conveyed to the said Andrew Newell, by John C. Smith, administrator de bonis non cum testamento annexo of Richard Neavetin, by deed bearing date the twenty-ninth day of April, Anno Domini, one thousand eight hundred and thirty-one, and that the proceeds arising from the sale of the said real estate, after payment of all the debts of said testator, including such as have been incurred in carrying out the provisions of his late will and testament, and the expenses of administration, shall be paid or invested in such manner as shall be directed by the Orphans' Court of Huntingdon county, for the purpose of carrying into effect the provisions of said last will and testament, in conformity with the spirit and intention of the same: *Provided*, That said executrix, before executing a deed for said real estate, shall give bond to the Commonwealth for the use of all persons interested with such surety or sureties as the said court or one of the judges thereof shall approve, conditioned for the faithful application of the proceeds of said sale according to law: *Provided*, Said court shall approve said sale.

Guardian of
John G. Trimble
authorized to
sell real estate.

SECTION 2. That Thomas C. McDowell guardian of John G. Trimble, a minor son of Dr. James Trimble, late of Huntingdon county, deceased, or such other person as may hereafter be appointed guardian of the said John G. Trimble, be, and he is hereby authorized and empowered to sell and dispose of at public or private sale, all the estate, right, title, and interest of him, the said John G. Trimble in any part of the real estate situate in this Commonwealth, of which James Trimble, Esq., father of the aforesaid Dr. James Trimble, died seised or possessed, and to grant and convey the same in fee simple unto the purchaser or purchasers thereof, and to make, execute, acknowledge, and deliver to the said purchaser or purchasers good and sufficient deeds for the same, and also to agree to and confirm all and every proceeding heretofore had

among the heirs of said James Trimble, Esq., touching an amicable division and partition of his real estate, and particularly to confirm and agree to a certain division, partition, sale, &c., had among said heirs of the residue of the real estate of said intestate then remaining unsold on the third day of January, Anno Domini, one thousand eight hundred and fifty-one, and all proceedings connected therewith, and also to make, execute, deliver, and accept all necessary and proper deed or deeds in furtherance of said division, partition, sale, or otherwise, and generally to do and perform all such matters and things in reference to said estate and a final and complete settlement thereof touching the interests of said minor, as fully and effectually as he himself might or would if he were of full age: *Provided*, That before any deed shall be executed by said guardian in pursuance of the authority hereby given, he shall give bond in such sum and with such surety as the Orphans' Court of Blair county may direct, conditioned for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

SECTION 3. That the division, partition, sale, &c., referred to in the second section of this act, and all proceedings connected therewith or appertaining thereto, be, and the same are hereby fully confirmed, established, and made valid to all intents and purposes, as fully and effectually as though the said John G. Trimble had been of full age at the time thereof, and had personally participated and joined therein.

Certain proceedings in partition validated.

SECTION 4. That the name of Peter Shultz in the first line of the first section of an act entitled "An Act authorizing Catharine Shultz to sell and convey certain real estate, and for other purposes, approved the third day of May, one thousand eight hundred and fifty, shall be construed to mean Philip Schultz, and the name Henderson in the thirteenth line of the first section of the act above referred to shall be construed to mean Walker, so as to read Philip Shultz in the first line, and Walker township in the thirteenth line of said act.

Philip Shultz, relative to name of.

SECTION 5. That from and after the passage of this act, the supervisors of the township of Allegheny, in the county of Blair, are hereby authorized and required to collect the road taxes assessed and levied in said township in money, and they are hereby authorized to receive sealed proposals for the construction and repairs of the public roads and highways in said township, and let the same to the lowest and best bidder after having first given not less than ten days' public notice of such letting by written or printed hand bills put up in at least six public places in the township.

Allegheny township, Blair county, relative to road taxes in.

SECTION 6. That there shall be and is hereby established in or near the borough of Birmingham, in the county of Huntingdon, a Female Seminary for the education of girls and young women in the English and other languages, and in the useful arts, sciences, and general literature, by the name, style, and title, of "The Birmingham Female Seminary," to be under the direction, management, and government of a board of trustees not exceeding three in number, two of whom shall be a quorum for the transaction of business; and until others shall be elected as hereinafter provided the trustees of the "Birmingham Female Seminary" shall consist of the following persons: S. W. Ward, Lewis Palmer, and John Clark, which said trustees and their successors, to be elected as hereinafter provided, shall forever be, and they are hereby created, established, and declared to be a body politic and corporate, with perpetual succession in deed and in law, by the name, style, and title, of "The Birmingham Female Seminary," and by the same name shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and shall be competent and capable in

Birmingham Female Seminary incorporated.

Style.

Privileges.

law and in equity to take and to hold to them and to their successors, for the use of "The Birmingham Female Seminary," any estate in lands, tenements, or hereditaments, goods, chattels, money, or other effects of what kind, nature, or quality soever, by gift, grant, bargain, sale, conveyance, will, devise, or bequest from any person or persons whomsoever capable of making the same, and the same from time to time to grant, bargain, sell, devise, alien, repair, place out at interest, or otherwise dispose of for the use and benefit of said incorporation, and to receive the rents, profits, income, and interest thereof, and to apply the same to the proper use and benefit of said seminary, and to borrow the sum of two thousand dollars for the use and benefit of the Birmingham Female Seminary, and to mortgage the real estate now or hereafter owned by and belonging to said incorporation to any person or persons to secure the re-payment of the sum of two thousand dollars that may be borrowed for the purpose aforesaid, and to erect such buildings as may be necessary, and generally to do all and singular acts, deeds, matters, and things which shall be lawful to do for the well-being of said corporation and the due management thereof.

Treasurer.

SECTION 7. That until a treasurer and secretary shall be elected or appointed in the manner hereinafter provided for said corporation, James Clark shall be, and is hereby authorized to serve as treasurer and secretary.

Seal.

SECTION 8. That said trustees shall cause to be made for their own use one common seal with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates, and acts of said corporation shall pass and be authenticated, and the same seal may at their pleasure break and alter.

Election of trustees.

SECTION 9. That the first election of trustees shall take place on the second Saturday of February, one thousand eight hundred and fifty-two, in the room now occupied by the female school, in said borough of Birmingham, and on the same day annually thereafter, at such place as may be named and appointed by the board of trustees, the election shall commence at the hour of two o'clock in the afternoon, and shall continue until five o'clock, and shall be conducted by two managers to be chosen by a majority of the stockholders present at the time of commencing said election, and the stockholders of said corporation shall elect, by ballot, by a majority of the votes present to be given in person or by proxy, three trustees, who shall continue in office for one year, or until others shall be duly chosen and qualified; the said trustees so elected shall annually at their first meeting after their election elect out of their number one person to act as president and one person to act as treasurer and secretary, who shall not be a trustee, and the person having the highest number of votes for treasurer and secretary shall be declared duly elected; the votes shall be given by ballot, and each ticket shall be labelled on the outside "Trustees of the Birmingham Female Seminary," who shall be stockholders of said corporation, and those having the highest number of votes shall be the trustees of said seminary for the ensuing year; *Provided*, That no person shall have more than four votes at any election, whatever number of shares he or she may be entitled to, and that each stockholder shall be entitled to one vote for each share of stock by him or her held under said number.

Vacancies.

SECTION 10. In case of the death, resignation, or refusal to serve of any trustee or other officer of said corporation, the trustees in office shall have power to appoint others in their stead until the next annual election, and they shall also have power to enact such ordinances and by-laws as may be necessary for the well-being and government of said corporation: *Provided*, That no by-law or ordinance shall have any

force and effect which shall be repugnant to the Constitution and laws of the United States or of this State.

SECTION 11. The capital stock of said corporation shall not exceed ten thousand dollars, divided into shares of five dollars each, a certificate of which shall be issued to such person or persons who have heretofore subscribed, or may hereafter subscribe and pay money or other valuable things for the purpose of building said female seminary, or to the heirs and legal representatives of such person or persons for every share which he, she, or they may have, or shall subscribe for and hold in said corporation, which shall be transferable on the books of the corporation, either in person or by attorney, subject to the payment of any balance due thereon. Capital stock.

SECTION 12. Said trustees may, if they deem it expedient, lease and hire out the real estate and effects of said corporation to a competent teacher or teachers and receive and collect rent and compensation for the use of such real and personal estate, and the same to divide rateably among the stockholders after first deducting all necessary charges and expenses for repairs, taxes, and the due management of the affairs of said corporation. Teachers.

SECTION 12. The treasurer shall receive and hold all moneys belonging to said corporation and pay out the same to the order of the board, signed by the president and secretary, and he shall keep fair accounts thereof, which shall be audited and settled by the trustees in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and before entering upon the duties of his office shall give a bond, with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year to his successor in office, and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees, and it shall be the duty of the trustees to report annually at the expiration of their term of office the condition of the finances and other affairs of said corporation, which report together with the books of the corporation shall be open at all proper times to the examination of all persons interested, who are at such times stockholders of said corporation. Treasurer, duties of.

SECTION 14. That the said trustees herein named are hereby authorized to open books on or before the first Saturday of August next, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the Birmingham Female Seminary the sum of five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such time or times as shall be required by said trustees," and shall thereupon proceed to receive subscriptions for the stock of said corporation, not exceeding in the whole the sum of ten thousand dollars, divided into shares of five dollars each, at such times and places as they may deem advisable; and it shall be lawful for any persons to subscribe for as many shares as he, she, or they may think proper—he, she, or they paying at the time of subscription to the trustees ten per cent. on every share of stock so subscribed. Subscription.

SECTION 15. That as soon as four hundred shares of stock shall be subscribed and paid in, the trustees herein named, or their successors, shall be authorized to call a meeting of the stockholders by giving at least ten days' public notice of the time of holding said meeting, which shall be held in the room now occupied by the female school in the borough of Birmingham, to transact such matters and things as may Meeting of stockholders.

be necessary and proper for the organization and management of said corporation.

Misnomer.

SECTION 16. That no misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant, will, or other writing, whereby any estate or interest in any thing real or personal was intended to pass to said corporation.

Preamble.

WHEREAS, It appears by the petition of Elena Deschappelles, of the Island of Cuba, testamentary guardian of the property of her minor children hereinafter named, that her late husband, John Aristides Deschappelles, was in his lifetime lawfully seised in his demesne as of fee of and in one full equal undivided third part of and in the following tracts of land, viz.: One of them in the county of Potter, in the State of Pennsylvania, containing nine hundred and ninety acres and allowance, &c.; one other of them in the said county of Potter, containing four hundred and ninety-five acres and allowance, &c.; one other of them in the county of McKean, in the said State of Pennsylvania, containing four hundred acres and allowance; one other of them in the said county of McKean, containing six hundred acres and allowance; and of and in one undivided third part of certain town lots, one of them being a square of ground in the town of Smethport, in the said county of McKean, marked in the ground plan of the said town number thirty-six, and the others of them situate in the town of Coudersport, in Lycoming county, now Potter, designated in the general plan of the said town as lots number twenty-five, twenty-six, twenty-seven, two hundred and thirty-four, two hundred and thirty-eight, two hundred and thirty-nine, two hundred and forty, and two hundred and forty-one, with the appurtenances; and being so seised thereof, departed this life in the Island of Cuba in the month of July, one thousand eight hundred and fifty, having first made and published his last will and testament, whereby, after making disposition of his property in the Island of Cuba, he did constitute and name as his only and universal heirs, his children, Alexander Juan and Eulalid (both of full age), and Julia Raymond, Banduy Selina, Elena Martin, and Amelia (minors), so that they might have the residue of his estate, and inherit it.

And whereas, It will be greatly for the benefit of the said Julia Raymond, Banduy, Selina, Elena, Martin, and Amelia Deschappellas, minors, that their shares, and interest of and in the said premises shall be sold as hereinafter provided.

John and William Keating authorized to sell certain real estate.

SECTION 17. That John Keating and William V. Keating, M. D., and the survivor of them, are and is hereby authorized and empowered to sell and dispose of the undivided shares, estate, and interest of the said minors in the said described tracts of land and town lots, by public sale or private contract, either altogether or in parts and parcels, from time to time as they and the survivor of them may see fit, and on such terms of payment as they may deem proper, and upon receipt of the purchase money or securities therefor by suitable deed or deeds in the law, to grant and convey the same to the purchaser or purchasers thereof in fee simple, and without liability on the part of such purchaser or purchasers to see to the application of the purchase money, and as to the moneys to be produced by such sales, to pay over the same to the said guardian of the said minors during their respective minorities; and for the due and faithful execution of the powers hereby granted, and the proper payment and application of the proceeds of any sales the said John and William V. Keating may make in pursuance thereof, they shall give good and sufficient security, to be approved of by the

Orphans' Court of Philadelphia county: *And provided further*, That said court shall approve of and confirm such sale or sales.

SECTION 18. That the sale made by Oliver E. Shannon, guardian of the estate of Catharine Williams, in pursuance of an order of the Orphans' Court of Bedford county, be, and the same is hereby declared valid, and the deed made in pursuance thereof to Solomon Williams, the purchaser for twelve acres of land, one-half thereof warranted in the name of William Williams on the sixteenth day of November, one thousand seven hundred and ninety-two, and the other half in the name of John Allison, on the eighth day of June, one thousand seven hundred and sixty-two, situate on both sides of Hogsback ridge, in East Providence township, in said county of Bedford, be, and the same is hereby declared and made to vest in said purchaser, his heirs and assigns, the complete title to said real estate, together with the rights, privileges, appurtenances, and advantages in said deed mentioned.

Guardian of
Catherine Wil-
liams, certain
sale made by
validated.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 246.

A SUPPLEMENT

To the act relating to the Tioga and Lawrenceville Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the company incorporated by virtue of the act to which this is a supplement, shall be styled "The Wellsborough and Tioga Plank Road Company," and that said company be authorized to construct a plank road from Tioga, up the valley of Crooked Creek to Wellsborough on the bed of the present public road, or otherwise as said company may direct, subject to the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and also to the provisions and restrictions of the act to which this is a supplement, so far as they are not inconsistent with this act.

Name changed.

SECTION 2. That said company are hereby authorized to extend the said plank road from Tioga aforesaid down the valley of the Tioga river upon the bed of the public road or otherwise as said company may direct, to Lawrenceville, in said county of Tioga, and that nothing contained in this act or the act to which this is a supplement, shall be so

Authorized to
extend road.

construed as to prohibit said company from commencing the building of said plank road at Wellsborough, Tioga, or any point or points on the line of the same as may be deemed advisable: *Provided*, Said company may regulate the tolls thereon without regard to the width of the wheels in any case: *And provided further*, That when three or more miles of said road shall be completed, said company shall be authorized to erect a toll-gate or toll-gates for the collection of tolls, as is provided by the act entitled "An Act for the regulation of turnpike and plank road companies," passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and supplements thereto.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March. A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 247.

AN ACT

To provide for the erection of a house for the employment and support of the poor in the county of Lycoming, to authorize the laying out of a State road from a certain point in Forks township, Sullivan county, to Monroeton in Bradford county, and relative to the hunting of deer in the township of Washington, in the county of Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. William A. Petrikin, Hezekiah B. Packer, Charles Lloyd, William Piatt, Jr., George Crane, James Gamble, Elias S. Lowe, Philip Opp, George Tomb, Robert Faries, and Ebenezer Walton, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-two, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Lycoming county, and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein under their hands and seals to the clerk of the Court of Quarter Sessions of the county of Lycoming, to be filed in his office; and at the next general election, the qualified electors shall elect three reputable citizens of the said county to be directors of the poor and of the house of employment for the county of Lycoming, and the judges of the election of said county shall immediately on receiving the returns from the several election districts and

Duties.

casting up the number of votes therein or within three days thereafter, certify under their hands and seals the names of the persons so elected directors to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their election, and the said directors shall meet at the court house in said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes; the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election and in the mode above described, may serve for three years, and one-third may be chosen annually thereafter.

SECTION 2. That every director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall within ten days after he shall have been notified of such election or appointment and before he enters upon the duties of said office, take an oath or affirmation which any judge or justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county truly, faithfully, and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being as debts are or shall be by law recoverable.

SECTION 3. That the said directors shall forever hereafter in name and in fact be one body politic and corporate in law, to all intents and purposes whatever, relative to the poor of the county of Lycoming, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style, and title, of "The directors of the Poor and of the House of Employment for the county of Lycoming," and by that name shall and may receive, take, and hold any lands, tenements, and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift alienation or bequest of any person or persons whomsoever, to purchase, take, and hold any lands and tenements within their county in fee simple or otherwise, and erect suitable buildings for the reception, use, and accommodation of the poor of said county, to provide all things necessary for the lodging, maintenance and employment of said poor, to appoint a treasurer annually, who shall give bond with full and sufficient security for the faithful discharge of the duties of his office, and at the expiration thereof for the payment and delivery over to his successor in office of all moneys, bonds, notes, book accounts, and other papers to the said corporation belonging, which shall be remaining in his hands, custody, and possession, and said directors shall have power to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor, respectively to bind out apprentices so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied, and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

Directors to take oath, &c.

Incorporate.

Style.

Privileges.

Expenses of
buildings, &c.

SECTION 4. That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings or erecting the necessary building or buildings and furnishing the same and maintaining the poor within said county for one year; whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof to be paid in instalments with interest out of the county taxes: *Provided*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Annual esti-
mate of ex-
penses.

SECTION 5. That it shall be the duty of the said directors on or before the first day of November in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year, and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year render an account of all moneys by them received and expended to the auditors elected to audit and settle the county accounts, subject to the same penalties and rules and regulations as are by law directed respecting the accounts of the county commissioners, and shall at least once in every year lay before the Court of Quarter Sessions and grand jury of said county a list of the number, age, and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of the children bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation, or calling, and shall at all times when thereto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interest, and moneys payable and receiveable by the said corporation, and also an account of all sales purchases, donations, devises, and bequests as shall have been made by or to them: *Provided*, That no director shall sell or dispose of any article or articles to the said poor house during the time he shall serve as director thereof.

Notice to over-
seers of the
poor.

SECTION 6. That as soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause any poor person cannot be removed, in which case the said overseers shall present the same to the nearest justice of the peace, who being satisfied of the truth thereof shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper

of the said house of employment together with the said order; and the charge and expense of such temporary relief and of such removal shall be paid by the said directors at a reasonable allowance.

SECTION 7. That the said directors shall from time to time receive, Directors to re-
provide for, and employ, according to the true intent and meaning of ceive poor, &c.
this act, all such poor and indigent persons as shall be entitled to relief,
or shall have gained a legal settlement in said county of Lycoming, and
shall be sent there by an order or warrant for that purpose, under the
hands and seals of any two justices of the peace directed to any con-
stable of the said county of Lycoming, or to the overseers of the pro-
per township in any other county of this Commonwealth; and the said
directors are hereby authorized, when they shall deem it proper and
convenient so to do, to permit any poor person or persons to be main-
tained elsewhere: *Provided*, The expense of their maintenance does not
in any case exceed that for which they could be maintained at the poor
house of the said county of Lycoming.

SECTION 8. That the said directors, or any two of them, who shall Quorum.
be a quorum in all cases to do business, shall have full power to make Powers.
and ordain such ordinances, rules, and regulations as they shall think
proper, convenient, and necessary for the direction, government, and sup-
port of the poor and house of employment aforesaid, and of the reve-
nues thereunto belonging, and of all such persons as shall come under
their cognizance: *Provided*, The same be not repugnant to this law,
or any of the laws of this State or of the United States: *And pro-
vided also*, That the same shall not have any force or effect until they
shall have been submitted to the Court of Common Pleas for the time
being of the county of Lycoming, and shall have received the approba-
tion of the same.

SECTION 9. That the said directors, or a majority of them, shall have Power of direc-
full power and authority to administer oaths or affirmations to all per- tors to adminis-
sons residing in the said house of employment, or becoming chargeable ter oaths, &c.
to the said county touching their legal settlement; and in case such
poor persons shall refuse to take the oath or affirmation, or shall refuse
to answer such questions as shall be asked by the said directors touching
and relating to the said settlements, the said directors may withhold
all further relief from such poor person or persons until he, she or they
shall consent to take such oath or affirmation, and answer all such
questions as aforesaid. And the said board of directors, or a majority
of them, in addition to the power hereinbefore granted, are authorized
and empowered to administer oaths and affirmations in all cases what-
ever relating to their official duties.

SECTION 10. That a quorum of said directors shall, and they are Monthly meet-
hereby enjoined and required to meet at the said house of employment ings of directors,
at least once in every month, and visit the apartments and see that the &c.
poor are comfortably supported, and hear all complaints and redress or
cause to be redressed all grievances that may happen by the neglect or
misconduct of any person or persons in their employment or otherwise.

SECTION 11. That the said directors shall each receive for their ser- Pay of directors.
vices annually the sum of twenty-five dollars to defray the expenses of
their necessary attendance on the duties of their office.

SECTION 12. That in case of any vacancy by death, resignation, or Vacancies how
otherwise, of any of the said directors, the remaining directors shall fill supplied.
such vacancy by the appointment of a citizen of the said county of Ly-
coming, under the same penalty as is provided by the second section of
this act, to serve until the next general election, when another director
shall be elected to serve as if no such vacancy had happened.

SECTION 13. That all claims and demands existing at the time of Claims.

this act being carried into effect shall have full force and effect as if this act had not passed, and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Lycoming, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Office of overseer of the poor abolished. SECTION 14. That as soon as the poor of the county of Lycoming shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Certain powers relative to the overseers of the poor conferred on the directors of the poor. SECTION 15. That the powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the several townships within this Commonwealth, to recover certain fines, penalties, and forfeitures, and for other purposes, are hereby conferred and imposed upon the directors of the poor in the said county of Lycoming, and that the justices of the peace and sheriff within the said county are hereby required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures, and penalties within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county shall be subject to all fines, penalties, and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Expenses of commissioners, how paid. SECTION 16. That the commissioners of said county are hereby authorized and empowered to pay to the persons appointed commissioners by the first section of this act the expenses incurred by them in the performance of their duty, and also to pay the said directors a reasonable compensation for their services during the time they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars for each directors in any one year.

Repeal. SECTION 17. That so much of the laws of this Commonwealth relating to the poor as are by this act altered and supplied, be, and the same are hereby repealed, so far as they affect the county of Lycoming.

Sheriff to notify commissioners. SECTION 18. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

Vote for or against poor house. SECTION 19. That for the purpose of ascertaining the sense of the citizens of Lycoming county as to the expediency of erecting a poor house in said county, it shall be the duty of each of the inspectors of the several townships and boroughs at the next general election to receive tickets, either written or printed, from qualified voters thereof, labelled upon the outside "poor house," and in the inside "for a poor house" or "against a poor house," and if it shall appear upon casting up the votes of the different districts at the court house on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect, but if a majority of said votes are against a poor house, the foregoing act to be null and void.

SECTION 20. That A. L. Cramer, Esq., of Bradford county, William Brown, of Sullivan county, and William A. Petriken, of Lycoming county, be, and they are hereby appointed commissioners to view, lay out, and mark a State road beginning at the school house in sub-district No. 2, Sullivan county, thence by the nearest and most practicable route by the way of John Campbell's Mill up the level branch to the dividing ridge separating the waters of North and West branches of the Susquehanna, thence to the village of Monroeton, Bradford county, and in case of resignation or refusal to act by either of said commissioners, it shall be duty of the judges of the Court of Quarter Sessions of the county in which the commissioner resigning or refusing to act resides to appoint a substitute.

Location.

SECTION 21. That it shall be the duty of the said commissioners to meet at the house of Moses Rogers, in the township of Forks, Sullivan county, on the third Monday of June next or earlier, and after having made oath or affirmation before some officer authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to the public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had, and it shall be the duty of said commissioners to plainly and carefully mark the route agreed upon.

Duties of commissioners.

SECTION 22. That the commissioners herein named shall receive a per diem allowance of one dollar and fifty cents for each day they and each of them shall be necessarily employed in performing the duties under this act, and they are authorized to employ one surveyor who shall receive a per diem allowance of two dollars, and two chain-carriers and one axeman at one dollar and fifty cents each.

Pay of commissioners, &c.

SECTION 23. That the said commissioners shall on or before the first day of January next, make out three drafts of said road as located, whereon shall be noted the courses and distances, the crossing of streams of county and township lines, one of which shall be forwarded by mail to the Secretary of the Commonwealth to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the Court of Quarter Sessions in the respective counties through which the road may pass, and from the time of such filing as last stated, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired as hereinafter provided.

Drafts.

SECTION 24. That it shall be the duty of the supervisors of the several townships in the counties through which the said road is authorized to be laid out by the foregoing sections of the act aforesaid shall pass, upon notice being given to proceed at once, and make and open said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine of not less than twenty-five dollars, to be collected as other fines are collected; and said fine shall be appropriated to the use of said road; and the justice of the peace before whom information shall have been lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties prescribed by this act.

Duties of supervisors.

SECTION 25. That the commissioners appointed by or in pursuance of this act, shall have power to vacate any road or part of road which may be rendered useless by the location of the road hereby authorized, and shall also have power to change the location of any part of the road now in use between the points mentioned in this act.

Powers of commissioners.

SECTION 26. That the accounts of said road commissioners for their own pay and the pay of those directed to be employed by them under

Accounts.

this act, shall be adjusted by the county commissioners of the counties through which the said road may pass, and paid out of the treasuries of the same according to the time actually required to locate the road within the respective counties.

Plunketts creek township, Lycoming county.

SECTION 27. That so much of the fourth section of an act entitled "An Act to incorporate the Franklin Fire Engine company of Frankford, in the county of Philadelphia, and relative to the hunting of deer in the counties of Lycoming and Sullivan, &c.," approved the fifteenth day of May, one thousand eight hundred and fifty, as relates to the township of Plunketts creek, in the county of Lycoming, be, and the same is hereby repealed.

Further provisions relative to hunting of deer in Lycoming county.

SECTION 28. That from and after the passage of this act, if any person or persons in the township of Washington, in the county of Lycoming, shall hunt, chase, or pursue with any dog or dogs, with the design to kill or destroy any buck, doe, or fawn within the townships aforesaid at any season of the year, he or they on being convicted thereof, shall forfeit and pay for every such offence a sum not exceeding ten dollars, to be sued for and recovered with costs before any justice of the peace in the name of the Commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law, one-half of said penalty or fine shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school district in which the offence was committed for the use of the common schools in the township: *Provided*, That this act shall not be so construed as to prohibit the hunting or catching with dogs of deer that have been previously wounded.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 248.

AN ACT

Authorizing an appropriation to re-build the Conestoga Bridge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of twenty thousand dollars be, and the same is hereby appropriated out of any moneys now in the treasury not otherwise appropriated, for the purpose of re-building the railroad bridge over the Conestoga river, near the city of Lancaster; said sum of twenty thou-*

sand dollars to be paid immediately upon the passage of this act, and to be disbursed under the direction of the Board of Canal Commissioners.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 249.

AN ACT

Requiring the Dauphin and Susquehanna Coal Company to erect a stone wall on the east side of the Pennsylvania canal, below the town of Dauphin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Dauphin and Susquehanna Coal Company be, and they are hereby required, as they progress in the construction of their road along the bluff below the town of Dauphin, Dauphin county, to erect and keep in repair thereafter a good and sufficient stone wall along the Pennsylvania canal, on the east side thereof, at the narrows below the said town of Dauphin, from the point where the railroad of said company crosses the Harrisburg and Millerstown turnpike road, and where the same may be necessary for the protection and safety of travellers, to the canal bridge at the house of Joseph Corbett, in Middle Paxton township; and the said company shall be liable in the penalty of one hundred dollars for each and every months' delay in the erection and keeping in repair of said wall as provided in this act, to be recovered as like penalties are now recoverable by law, one-half for the use of the informer and the other half for the use of the township of Middle Paxton: *Provided, That* the said company shall be released from the payment to the State of the bonus of one per cent. now imposed by law.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 250.

A SUPPLEMENT

To an act to incorporate the Erie and Waterford Plank Road Company, continuing the State and county appropriations to the house of refuge, and relative to the estate of Charles Marie, also called Charles Berthault.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Erie and Waterford Plank Road Company to use, occupy, and appropriate so much of the public road called the Shun pike, as lies between a point near the house of widow Graham's and a point near the house of A. Hill, a distance of about one mile and two hundred and sixty-one rods; that upon the completion of the Erie and Waterford plank road so much of the public road called the Shun pike as described within the point aforesaid shall be vacated, and is here declared vacated.

Erie and Waterford Plank Road Company.
Additional powers granted, &c.

SECTION 2. That it shall be lawful for the Erie and Waterford Plank Road Company to lay down their plank, and to use and to occupy any other public road or street that said company shall think necessary to traverse or cross, and to charge and exact toll on the same: *Provided,* That no toll-gate shall be put up on such public roads or streets as is authorized to be occupied by this section, and that no toll shall be charged or exacted from persons traversing or using the same only: *And provided further,* That no street in the borough of Erie or Waterford shall be occupied by the said company for the purpose aforesaid, until the consent of the authorities thereof is first had.

Further powers.

SECTION 3. That the annual appropriation of six thousand dollars made from the treasury of this Commonwealth, and of thirteen thousand dollars from the treasury of the county of Philadelphia, in aid of the house of refuge, be, and the same is hereby continued during the pleasure of the Legislature; and the commissioners of the said county of Philadelphia are hereby directed to pay annually to the treasurer of the said house of refuge the sum of thirteen thousand dollars, and the county commissioners are hereby authorized to pay the amount of the appropriation made by the county board of one thousand eight hundred and fifty, for the use of said house of refuge.

Annual appropriation to the House of Refuge.

SECTION 4. That the Orphans' Court for the city and county of Philadelphia shall have power and authority to decree distribution of the estate now within the said city or county of Charles Marie also called Charles Berthault, to the parties entitled to the said estate without ordering the same to be sent to the administrator or executor of the domicile of the decedent, and also in the discretion of the said court after such notice as they may see fit, to order if no party in interest shall appear to oppose the same, to decree distribution of the said estate to the legatees or those representing such legatees named in a certain writing purporting to be a copy of the last will and testament of the said decedent and of the probate thereof and now placed in the office of the register of wills for the said city and county, which said writing has not been admitted to probate because the same has not been certified

Orphans' Court of the city and county of Philadelphia authorized to decree distribution of the estate of Charles Marie also called Charles Berthault.

according to the directions of the act of assembly in such case made and provided, though the said estate has been committed by the said register of wills to Peter Jaureteche de bonis non administratis.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 251.

AN ACT

To incorporate the Union Hall Association of York county, to confirm title to certain real estate of Joseph Sneeringer, deceased, in the county of Adams, and relative to a road in York county, and to change the name of John Von Sountag Haviland to John Von Sountag De Havilland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Y. Bryan, M. D., James Watson, William J. M'Curdy, Joseph D. Wiley, Jacob M'Call, John Findley, William Galbreath, Samuel M'Calla, James C. Pearthru, George Bacon, John Michael, Joseph W. Van Hart, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Union Hall Association of York county," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and to take and hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of said association any goods or chattels, sum or sums of money by gift, grant, bargain, sales, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said corporation, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well-being and due management of the said association: *Provided,* That the real estate of which the said incorporation shall be at any one time possessed, shall not exceed the clear yearly value of two thousand dollars.

Corporators.

Style.

Privileges.

SECTION 2. That the persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned, that is to say, they or any five of them shall, as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate, in Bryansville, of which time and place at least fourteen days' previous public notice shall be given in one or more newspapers published in the county of York, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Union Hall Association of York county the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the trustees of said association. Witness our hand and seals the _____ day of _____, Anno Domini, one thousand eight hundred and fifty-one;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners, or any three of them, shall attend for the purpose of opening the books to receive subscriptions for stock, and the said books shall be kept open at least six hours on such day at the time and place designated; and in case two hundred shares of stock, it being the capital stock to be issued by said association, be not sold on the day of the first opening of the books, the remainder unsold may afterwards be disposed of at such time and place, and under such regulations as the trustees for the time being may order.

SECTION 3. That there shall be a meeting of the members of the said "Union Hall Association of York County" on such day and at such place in Bryansville as the five persons first named in this act or any three of them shall appoint, giving at least two days' notice of such meeting in at least one paper printed in the county of York, and on such day and at such place annually thereafter as the by-laws of said association shall provide for the election from among the members, five trustees to manage the affairs of the said association for twelve months thereafter and until a new election shall take place; and the three commissioners first named shall be judges of the first election of trustees, and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such elections given in such manner as the by-laws shall prescribe.

SECTION 4. The object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in Bryansville for the accommodation of the members of the different lodges or beneficial societies to hold their meetings in.

SECTION 5. That it shall and may be lawful for said corporation to have a common seal and the same at will and pleasure to change, alter, and renew as they shall think proper; and shall have and exercise all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted and as herein expressed.

SECTION 6. That the officers of the association shall be a president, secretary, and treasurer, who shall be elected by the trustees. All the officers shall be trustees.

SECTION 7. That the corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the Constitution and laws of this Commonwealth or of the United States.

SECTION 8. The Legislature hereby reserves the right to alter or amend the charter hereby granted whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

SECTION 9. That Joseph Sneeringer, administrator of Joseph Sneeringer, senior, late of Adams county, deceased, be, and he is hereby authorized and empowered to execute to Jerome Sneeringer, only son and heir of David Sneeringer, deceased, a deed for a tract of land in said county, which it was the desire and intention of the said Joseph Sneeringer, senior, deceased, during his life time to convey to the said David Sneeringer, deceased, so soon as the said Ambrose Sneeringer shall have complied with the terms upon which the tract of land was to have been conveyed to the said David Sneeringer, deceased, viz. : The said Jerome Sneeringer shall pay to the said administrator as aforesaid five hundred dollars with interest from first of April, one thousand eight hundred and forty, also five hundred dollars with interest from first of April, one thousand eight hundred and forty-one, and the further sum of five hundred dollars with interest from first of April, one thousand eight hundred and forty-two, and when the payments shall have been made then the said Joseph Sneeringer, administrator, shall execute a deed for the same to the said Jerome Sneeringer, to be approved of by the Orphans' Court of Adams county : *Provided*, That the said administrator shall first give security to be approved by the said court for the faithful distribution of the proceeds of said conveyance and sale.

SECTION 10. That the first section of an act entitled "An Act to vacate part of a certain road in York county, relative to the Lycoming and Tioga Plank Road Company," passed tenth day of April, one thousand eight hundred and forty-eight, be, and the same is hereby repealed.

SECTION 11. That John Von Sountag Haviland, son of John Haviland, architect, by Mary, his wife, and daughter of Captain William Lewis Von Sountag, be, and he is hereby authorized to change his name from John Von Sountag Haviland to John Von Sountag De Havilland, and he shall henceforth be called and known by the name of John Von Sountag De Havilland, and by that name shall be able and capable in law to sue and be sued, grant, receive, take, and inherit any estate, real or personal, and do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name if no change had been made therein.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 252.

AN ACT

Relative to roads and highways in Philadelphia county, and the Norristown and Valley Railroad Company, and supplementary to an act entitled "An Act relative to tax collectors in Montgomery county, to registered taxes within the county of Philadelphia," passed thirteenth March, one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the act of Assembly of this Commonwealth passed the thirteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act relative to tax collectors in Montgomery county, to registered taxes within the county of Philadelphia, the collection of mercantile taxes, and Wyalusing election district, Bradford county," as provides that the costs incurred in collecting mercantile taxes shall be paid out of the treasury of the State upon the warrant of the Auditor General, be, and the same is hereby extended to costs incurred, or that may be incurred in the collection of the taxes on beer, eating, and oyster houses, for the years eighteen hundred and forty-nine, eighteen hundred and fifty, and eighteen hundred and fifty-one.

Certain act relative to the collecting of mercantile taxes extended to costs incurred in the collection of the taxes on beer, eating, and oyster houses.

State Treasurer.

SECTION 2. The State Treasurer is hereby authorized and required to pay costs, incurred as above, upon the warrant of the Auditor General.

Penalty for keeping a beer house, eating house, restaurant, or oyster cellar without license.

SECTION 3. That the act entitled "An Act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the Commonwealth," approved the tenth day of April, one thousand eight hundred and forty-nine, shall not be so construed as to authorize any person or persons to keep any beer house, eating house, restaurant, or oyster cellar, until they shall have applied for and obtained a license for that purpose, having first paid the tax or license fee as is required in cases of tavern licenses. Any person or persons who shall keep any beer house, eating house, restaurant, or oyster cellar, without first having paid his license as aforesaid, shall be on conviction thereof deemed guilty of keeping a tippling house, and punished accordingly.

Roads and highways in Philadelphia county, relative to.

SECTION 4. That all laws providing for ascertaining the damages sustained by reason of the opening of any road or street in the county of Philadelphia, shall be construed to be properly executed and carried out if the jury and the proceedings are in accordance with the provisions of the "Act relating to roads, highways, and bridges," passed the thirteenth day of June, one thousand eight hundred and thirty-six, and other general laws now in full force relative to the assessment of damages for the opening of streets and roads.

Construing act concerning the Norristown and Valley railroad.

SECTION 5. That the proviso to the third section of the act entitled "An Act authorizing the erection of a school house in Southwest township, Warren county, and reviving the charter of the Norristown and Valley Railroad Company, under the name of the Chester Valley Railroad Company," passed the twenty-seventh day of April, Anno Domini, one thousand eight hundred and fifty, shall not be construed to apply to Daniel Lafferty or his legal representatives, and William Hunter,

and others, having just claims against the Norristown and Valley railroad: *Provided*, That such claims be presented within three months from the passage of this act.

SECTION 6. That the directors of said company shall have full power and authority, and they are hereby required, upon the application of either of the above named parties, and others, to issue to them such amount of stock as they are justly and equitably entitled to under the general provisions of the act above recited.

SECTION 7. That it shall and may be lawful for said company to extend their said railroad by branches or otherwise to any mines, quarries, mills, or manufactories, on or near to the route termini of said road: *Provided*, That no branch or extension shall exceed four miles in length (nor pass through any lands without the consent of the owners thereof first had and obtained), and that the same shall be made subject to the several provisions respecting the payment of damages contained in the aforesaid act of Assembly, passed on the seventh day of April, one thousand eight hundred and fifty: *And provided further*, That this act shall not be so construed as to prejudice the right of the Commonwealth, or in any way release or diminish any part of the tolls or tax imposed by the above-mentioned act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 253.

AN ACT

To change the name of the Methodist Church in the city of Pittsburgh, and to authorize the trustees thereof to sell certain real estate, relative to the collection of water tax in the city of Pittsburgh, and the measurement of coal in Allegheny county, and authorizing an extension of the Wellersburg and West Newton plank road, to confirm the title of Thomas Farley to certain real estate, to mortgage certain real estate of John McMasters, to settle the accounts of Alfred Sutton, late prothonotary of Allegheny county, to erecting public buildings in Susquehanna county, to a State road in Indiana county, and to the District of Richmond, in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Methodist Church in the city of Pittsburgh, in the county of Allegheny, shall hereafter be called and known by the name of "The First Methodist Protestant Church in the city of Pittsburgh;" and by that name shall be able and capable in law to sue and be sued, plead and changed.

be impleaded, grant, receive, purchase, hold, and enjoy property, real and personal, and do all other legal acts whatever as effectually, to all intents and purposes, as said church could have done by their former name if no change had been made therein.

Trustees of said church authorized to sell certain real estate. SECTION 2. That the trustees of said church, and their successors in office, or a majority of said trustees for the time being, are hereby authorized and empowered to sell and dispose of in fee simple or on ground rent, by public or private sale, and for cash or on credit, the whole or any part of the lot of ground now used and occupied as a burying ground, situate on Liberty street, in the Fifth Ward of the city of Pittsburgh, and adjoining a lot occupied by a Roman Catholic Chapel, containing one acre, strict measure, being the same lot of ground which the executors of James O'Hara, by deed dated June ninth, one thousand eight hundred and twenty-three, recorded in said county, in book E second, volume thirty, page two hundred and ninety-two, conveyed to Thomas Cooper and others, trustees, and their successors, for the purpose of a Methodist burying ground, who by deed dated August thirtieth, one thousand eight hundred and twenty-nine, recorded in book M second, volume thirty-seven, page three hundred and twenty-six, conveyed the same to Thomas Salters and others, trustees of the Methodist Church in the city of Pittsburgh, and their successors in office, for the purpose aforesaid, and the same to convey and assure by good and valid deeds and assurances in law to the purchaser or purchasers of the same, without responsibility on the part of him or them, the said purchaser or purchasers, for the proper use or application of the purchase money, and wholly and fully freed and discharged from all trust, limitation, and restraint whatever: *Provided*, That before this act shall become operative the said trustees or their successors shall execute a bond to the Commonwealth, under such penalty as shall be approved by the district court for the county of Allegheny, conditioned for the faithful application of the proceeds of sale in manner herein-after provided.

Application of proceeds of such sale.

SECTION 3. That the said trustees and their successors shall apply the proceeds of sale of the lot aforesaid (after paying the necessary expenses of said sale) as follows, to wit:

I. To the purchase of a lot suitable for a burying ground for said church beyond the limits of said city of Pittsburgh and not more than four miles distant therefrom.

II. To the expense of removing the dead bodies now interred or hereafter to be interred in the ground hereby authorized to be sold to the lot hereafter to be purchased.

III. To the re-payment with interest of the subscription money heretofore paid by individuals for the privilege of private burying lots in the said Methodist burying ground to such persons as may not choose to accept similar burying lots in the ground hereafter to be purchased as aforesaid.

IV. To the payment of the debts of the said first Methodist Protestant church in the city of Pittsburg owing at the time of said sale, if any such there be.

V. The residue of said purchase money to remain a perpetual lien or ground rent upon the lot aforesaid, or to be invested from time to time, and in either case the rents and income thereof to be appropriated under the direction of said corporation for the relief, benefit, and support of superannuated and disabled ministers of the Methodist Protestant church attached to the Pittsburg annual conference.

SECTION 4. That in all cases where any tax or taxes of any kind have been or shall be assessed on any ground rent issuing out of or charged on any lot or lots of ground situate in the city of Pittsburg, the owner or occupier of such lot or lots, as well the owner of such ground rent charged thereon, shall be liable to pay all taxes assessed on such ground rent during his or her ownership, possession, or occupancy of such lot or lots; and in case of non-payment of such tax or taxes, the same shall and may be collected by distress and sale of the goods and chattels of the person or persons in the occupancy or possession of the premises whereon such ground rent is charged in the manner authorized by law; and such tax or taxes or any part thereof having been so paid by or collected from the person or persons in the occupancy or possession of the premises, and not being the owner or owners of the ground rent, it shall and may be lawful for him, her, or them, to recover said tax or taxes so paid by or collected from him, her, or them, from the owner of the ground rent on which the said tax or taxes were assessed, or at his, her, or their election to defalk the same in the payment of the rent due to his, her, or their lessor, who, if he or she be not the owner of the ground rent, shall and may defalk in like manner until the said tax or taxes shall be defalked in the payment of the rent due to the owner of the ground rent on which such tax or taxes shall have been assessed, unless such recovery or defalcation would impair or violate some contract or agreement previously made by and between such ground landlord, or lessor and lessee or sub-lessee, in regard to the payment of taxes assessed on said ground rent; and in case any such lot or lots of ground be vacant, unimproved, and unoccupied, so that no sufficient distress can be found thereon, it shall be the duty of the collector to return the tax or taxes assessed on the ground rent charged on such vacant or unimproved lot or lots, if the same remain unpaid, to the commissioners of Allegheny county in the same manner as taxes on unseated lands; and the said commissioners shall cause such ground rents to be sold for the payment of the taxes assessed thereon and so returned, and remaining unpaid in the manner provided by law in like cases for the sale of unseated lands for taxes.

Collection of taxes on ground rent in the city of Pittsburg, relative to.

SECTION 5. That from and after the passage of this act, no person who shall have resided within said city for one year immediately preceding any election for mayor, alderman, or other officers of said city, and who shall not within the said year have paid all city taxes assessed to him, shall be entitled to vote at any such election for officers of said city.

Who entitled to vote in said city.

SECTION 6. That the goods and chattels of any owner or occupier of any messuage or lot of ground within said city, shall be liable to be distrained for the taxes of the then current year assessed on such premises, although said taxes may have been assessed on said premises before such owner or occupier took possession or became the owner thereof.

Goods and chattels liable to be distrained for taxes.

SECTION 7. That the goods and chattels of any owner or occupant of any messuage or lot of ground within said city, may be distrained for taxes assessed on such messuage or lot of ground, although the same be not upon the premises, and such goods and chattels shall and may be seized and taxen under a distress for such taxes in any part or ward of said city, although the premises whereon said taxes shall have been assessed may be situate in another and different ward.

Goods and chattels liable to be distrained although not on the property.

SECTION 8. That from and after the passage of this act, all water rents shall be assessed to the owner or owners of the premises for the use of the water in which the said water rents are assessed in the same manner as city taxes, and such water rents so assessed shall be collected

Water taxes to be a lien, &c.

and be a lien on the real estate on which the same shall have been assessed, in the same manner as city taxes are or may be by law a lien and collectable; and the provisions of the act of the ninth of April, one thousand eight hundred and forty-nine, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," shall not be taken or construed to apply to said water rents.

Repeal. SECTION 9. That so much of any act or acts as is hereby altered and no more, be, and the same is hereby repealed.

Measurement of bituminous coal in Allegheny county. SECTION 10. That the third and fifth sections of the act establishing a uniform standard of bituminous coal in Allegheny county, passed April sixth, Anno Domini, one thousand eight hundred and fifty, be, and the same are hereby repealed, and that hereafter all controversies in said county in regard to the quantity of coal contained in any cart, wagon, or other vehicle, shall be ascertained in the manner provided for by the first and second sections of the act to which this is a supplement: *Provided however*, That where coal is sold and delivered into boats where the weight cannot conveniently be ascertained, then the standard fixed in the act of March twenty-third, one thousand eight hundred and forty-nine, shall continue unchanged.

For the regulation of coal in Pittsburg, Allegheny city, &c. SECTION 11. That the select and common council of the cities of Pittsburg and Allegheny, and the town councils of the incorporated boroughs in the county of Allegheny, are hereby authorized to provide and establish some mode to ascertain the weight of coal sold within said cities and boroughs, and impose suitable penalties upon all persons violating the provisions of the acts of Assembly on the subject.

Wellersburg and West Newton plank road company, authorized to extend their road. SECTION 12. That the Wellersburg and West Newton Plank Road Company be, and they are hereby authorized to extend their road by the nearest and most practicable route to Monongahela city and the town of Washington, in the county of Washington.

Title of Thomas Farley to certain real estate, confirmed. SECTION 13. That no statutes of mortmain or any other disabling laws, acts, or statutes, public or private, shall invalidate the title of Thomas Farley to a lot of ground and buildings thereon situate, at the South-east corner of William and Biddle streets, in the District of Spring Garden and county of Philadelphia, containing in front or breadth on said William street eighteen feet, and extending in length or depth eastwardly along said Biddle street seventy-six feet three inches; but the same are hereby repealed, so far as they relate to the title of the said Thomas Farley the owner of said lot, and the said title is hereby confirmed as if the said statutes, laws, or act had never been in force.

Preamble. WHEREAS, John M'Masters, junior, late of the county of Allegheny, by his last will and testament bearing date the thirteenth day of March, one thousand eight hundred and forty-seven, duly proved and on file in the Register's office in Allegheny county, did among other things devise and bequeath to D. Negley Duncan Hamilton and William Young, part of lots four hundred seventy-two, four hundred seventy-three, and four hundred seventy-four, in the city of Pittsburg, county of Allegheny, fronting on Liberty and Seventh streets, and running back to Strawberry alley, in the trust nevertheless and special confidence, for the use and benefit of the family of John M'Masters, junior, whom they were to appoint their agent to manage and improve said property.

And whereas, Certain improvements have been made in part of lot number four hundred seventy-two, fronting on Seventh street, and it is desirable that a certain amount of money should be raised to pay some debts that occurred in making said improvements, and to reimburse funds that properly belong to another trust; therefore,

SECTION 14. That it shall be lawful for Daniel Negley Duncan Ham-

ilton and William Young, or their agent, under the trust to mortgage for a sum not exceeding seven thousand dollars (7,000,) to any person or persons, corporation or corporations, one-half of lot number four hundred and seventy-two, bounded and described as follows: Beginning sixty feet from corner of Seventh and Smithfield streets, thence along the line of lot number four hundred seventy-one, parallel with Smithfield street, two hundred thirty-nine feet five inches to Strawberry alley, thence along Strawberry alley thirty feet, thence by a line through the centre of said lot to Seventh street, thence along Seventh street thirty feet to the place of beginning, on which is erected a brick stable three stories high, with an ice house in the basement for the purpose aforesaid, the said mortgage shall be good and available in law and equity, to all intents and purposes, as if the said property was held in fee simple by the said trustees: *Provided*, The Court of Common Pleas of said county of Allegheny shall approve of and decree or direct such loan and mortgage.

Daniel Negley, Duncan Hamilton, and Wm. Young authorized to mortgage certain real estate.

SECTION 15. That the Auditor General be authorized and directed to settle and close the accounts of Alfred Sutton, deceased, late prothonotary of Allegheny county, when it shall be made to appear to him by proper proofs and vouchers that the full amount of all fees and dues of whatever kind, without any interest on the same, has been paid and satisfied.

Auditor General authorized to settle the accounts of Alfred Sutton, deceased.

SECTION 16. That the county commissioners of the county of Susquehanna be, and they are hereby authorized, whenever they deem the interest of the county require, to build a new court house, jail, and public offices for the use of said county, at the borough of Montrose: *Provided*, The said county commissioners shall not enter into any contract for the erection of said building or buildings until the grand jurors summoned for the next April term, or a subsequent grand jury of the Court of Quarter Sessions for the county of Susquehanna, shall have reported in favor thereof.

Public buildings authorized to be erected in Susquehanna county.

SECTION 17. That whenever the said county commissioners shall determine upon building, and shall commence the same, the commissioners of the said county of Susquehanna are hereby authorized and required to add the sum of five hundred dollars to the usual county rates and levies of the borough of Montrose, in said county, for ten consecutive years from the time of the commencement to erect the said building or buildings, for the purpose of defraying the expenses of erecting the same.

County rates and levies.

SECTION 18. That the manner of laying and collecting said tax in each year shall be as follows: After the assessment shall have been completed, and the day of appeal shall have passed, the commissioners shall add to the tax of each person assessed in said borough for county purposes their proportion of five hundred dollars as the tax of such person shall bear to the aggregate amount of taxies levied upon said borough for county purposes. When such addition shall be made, the duplicate shall be made out, and their warrant issued in manner and form authorized and allowed by law; and all laws applicable to the collection of county rates in the said borough are hereby made applicable to the collection of additional tax hereby imposed.

Manner of laying and collecting said tax regulated.

SECTION 19. That the county commissioners of the county of Susquehanna be, and they are hereby authorized to borrow for the purpose of building as aforesaid, any sum not exceeding fifteen thousand dollars upon the credit of the county, at any interest not exceeding six per cent., and reimbursable at such times as they may deem proper, not exceeding fifteen years.

Borrow money.

Wiconisco township, Dauphin co., place of holding elections in. **SECTION 20.** That hereafter, the qualified voters of Wiconisco township, Dauphin county, shall hold their general, special, and township elections at the public house now kept by George W. Wilt.

Repeal of certain act to locate a State road from Smecksburg to the Clarion and Cherry-tree road. **SECTION 21.** That the provisions of the several sections of an act entitled "An Act to locate a State road from Smecksburg to intersect the Clarion and Cherrytree State road at or near the house of William Riddle, Esq., in Indiana county, approved March tenth, one thousand eight hundred and forty-eight," be, and the same are hereby repealed.

District of Richmond not to be subject to certain damages. **SECTION 22.** That the district of Richmond, in the county of Philadelphia, shall not be subject to damages to the Philadelphia and Bristol Turnpike Road Company, for obstructing the same during the time of curbing and paving said turnpike road within the limits of said district.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 254.

AN ACT

Regulating certain election districts, and for other purposes.

Lynn township, Lehigh county, authorized to elect an additional supervisor. **SECTION 1** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of Lynn, in the county of Lehigh, be authorized to elect hereafter three supervisors of the public highways, in place of two as heretofore.

Perry township, Clarion county, place of holding elections in. **SECTION 2.** That from and after the passage of this act, the qualified voters of the township of Perry, in the county of Clarion, shall hold their general and township elections at the house of Andrew Harshaw, in said township.

Lathrop township, Susquehanna county. **SECTION 3.** That the qualified voters of Lathrop township, Susquehanna county, shall hereafter hold their general and township elections at the house of Elisha Lord, in said township.

Borough of Elkland, Tioga county. **SECTION 4.** That from and after the passage of this act, the borough of Elkland, in the county of Tioga, shall be a separate election district, and the qualified voters in said borough shall hold their borough and general elections at the house of D. B. Shoff; and John Parkhurst shall be judge, and Charles Ryan and Leander Culver inspectors, of election in said borough: *Provided,* That after the first election the qualified voters in said borough shall elect their officers.

SECTION 5. That the general and special elections for the township of Upper Merion, Montgomery county, shall hereafter be held at the public house known as the King of Prussia, in said township. Upper Merion, Montgomery county.

SECTION 6. That the qualified voters of Upper Hanover township, in the county of Montgomery, shall hereafter hold their general elections at the public house of Abraham Croll, in said township. Upper Hanover township, Montgomery county.

SECTION 7. That the qualified voters of the township of Green, in the county of Clinton, shall hereafter hold their general and township elections at the house now occupied as an office by Levi Conser, in the village of Logansville, in said township. Green township, Clinton county.

SECTION 8. That the qualified voters of the township of Allison, in the county of Clinton, shall hereafter hold their general and township elections at the school house in the village of Flemington, in said township. Allison township, Clinton county.

SECTION 9. That the township of Laporte, in the county of Sullivan, shall hereafter constitute a separate election district, and that the qualified electors thereof shall hold their general and township elections at the house now occupied by John C. Wilson, in said township; and that the election held at said house, in pursuance of an order of the Court of Quarter Sessions of said county, on the ninth day of October last, of justices of the peace and other township officers of said township, shall be held to be as valid, to all intents and purposes, as if the same had been held by a judge and inspectors who had been previously elected or appointed. Laporte township, Sullivan county.

SECTION 10. That from and after the passage of this act, the qualified voters of the township of Deerfield, in the county of Tioga, shall hold their general and township election at the school house of Caleb Shorts, in said township. Deerfield township, Tioga county.

SECTION 11. That hereafter, the qualified voters of the township of Cumberland, in the county of Greene, shall at their annual spring elections, elect two supervisors of roads and highways in addition to the two already authorized by law, who shall be invested with the same powers and authorities, and be subject to the same duties, that are prescribed by existing laws. Cumberland township, Greene county.

SECTION 12. That all that part of the south-western part of Pittston township, in the county of Luzerne, be, and it is hereby set off into a separate election district, to be called South Pittston; that is to say, beginning at the Susquehanna river on the north line of Samuel Taylor's land in Pittston, thence a south-east course along said line and continuing the same course to the east line of certified Pittston. The north line of the said district shall commence on the south line of William Tompkins' land at the Susquehanna river, thence back the course of the said line to the said east line of certified Pittston. The Susquehanna shall be the western boundary of the said district, and the said certified line the eastern boundary, and Peter Winters shall be the judge of the next general and township election, and George Cooper and John Blanchard inspectors thereof, and the elections for said district shall be held at the public house of Samuel Hodgson. South Pittston election district in Luzerne county, erected.

SECTION 13. That the qualified voters of M'Kean county are hereby authorized and required to elect at the next general election one person to fill the offices of prothonotary, clerk of the Courts of General Quarter Sessions and Oyer and Terminer, and one other person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court. Election of county officers in McKean county.

SECTION 14. That the qualified voters of all that part of Armaugh

Armaugh township, Mifflin county, place of holding elections in. township, in Mifflin county, lying east of the line commencing at the middle of the road at the stone meeting house in Brown township, in said county; thence along said road to the end of the lane known as Jonathan Abraham's lane, near the residence of Thomas Longwell, junior; thence running in a straight line to the west end of Cressman's knob, to the Union county line, shall hold their general elections at the office of E. E. Lock, and that Hugh Connelly and Benjamin Wallace shall be inspectors, and Andrew M'Farland shall be judge, at the next ensuing election.

Industry election district in Beaver county, erected. SECTION 15. That all the territory included within the following boundary, to wit: Beginning at the Ohio river, in Brighton township, Beaver county, south-east corner of tract No. 5, M'Cleans district; thence to the north end of said tract; thence to widow Dannels; thence to Daniel Knights; thence to Joseph Ewings, in Ohio township; thence to Alexander Ewings; thence to John Reeds; thence to George Massons and Samuel Ewings; thence to Alexander Todds; thence by the east line of Samuel and Jesse Smith's farm to the Ohio river; thence up said river to the place of beginning, is hereby erected into a separate and independent election district, to be called "Industry," and shall hold their general election and judge and inspectors election at the public school house in the town of Industry. Richard Knight shall act as judge, and John W. Engle and Thomas Wilson as inspectors, of the next general election, and shall hold and exercise the duties of their said offices until their successors are duly elected; which election will be held as aforesaid on the second Friday of March, one thousand eight hundred and fifty-two; and it shall be the duty of the constable of Brighton township to give public notice of such election at least ten days previous, by at least three printed or written notices set up at the most public places in said district.

Sparta township, Crawford county. SECTION 16. That the citizens of Sparta township, Crawford county, shall hereafter hold their township and general elections at the Spartansburg school house, in said township of Sparta.

Troy township, Crawford county. SECTION 17. That the citizens of Troy township, in the county of Crawford, shall hereafter hold their township and general elections at the Liberty school house, in said township of Troy.

Preston township, Wayne county. SECTION 18. That the qualified electors of the township of Preston, in the county of Wayne, shall after the passage of this act elect six supervisors and two overseers of the poor in said township; and all laws conflicting with this section so far as relates to said township are hereby repealed.

Mount Pleasant township, Wayne county, repeal of certain act relative to. SECTION 19. That so much of the act of twenty-sixth of March, one thousand eight hundred and fourteen, entitled "An Act declaring certain creeks mentioned public highways," is hereby repealed so far as relates to the Lackawaxon creek from Aldenville, in Clinton township, to the turnpike bridge near the house of Thomas Slayton, in Mount Pleasant township, in Wayne county.

Official advertisements in Luzerne county, how paid for. SECTION 20. That on and after the passage of this act, all official advertisements of the various officers in the county of Luzerne, for which the said county is required to pay, shall be published under the direction of the commissioners of the county of Luzerne, in such papers as they shall designate.

Gilbert Warner, authorized to hold his office as justice of the peace, in Bridgewater township, Susquehanna county. SECTION 21. That Gilbert Warner, Esquire, recently elected a justice of the peace for the township of Bridgewater, in the county of Susquehanna, be, and he is hereby authorized and empowered to hold his courts and to transact all the business of his said office within the borough of Montrose, the said borough being situate within the said township of Bridgewater.

SECTION 22. That the time of completing the Clearfield and Curwensville turnpike road is hereby extended for the period of three years, and that William Powell, James Alexander, and Isaac Smith are hereby appointed commissioners to do and perform the several things provided in the charter of said Clearfield and Curwensville Turnpike Road Company, in the place of John R. Bloom, Thomas Brown, and Joseph Boon.

Clearfield and Curwensville turnpike road, time of completion extended.

SECTION 23. That the State Treasurer be, and he is hereby authorized to pay to Emanuel Remley, of Greene county, or order, an old soldier, an annuity of forty dollars payable half yearly, commencing on the first day of January, Anno Domini, one thousand eight hundred and fifty-one.

Emanuel Remley, an old soldier, for relief of.

SECTION 24. That the election of William Frick at the late borough election in the borough of Lewisburg, as a councilman of said borough, shall be valid to all intents and purposes, the same as though he had resided in the said borough for the period of one year previous to said election.

Election of Win. Frick as councilman of Lewisburg validated.

SECTION 25. That the qualified electors of Pine township, in the county of Allegheny, shall hold their general and township elections at the house of Hugh Crummy in said township, and that Thomas Wallace is hereby appointed judge, and William Rogers and William M'Kinney are appointed inspectors to act until others are duly elected to fill said office.

Pine township, Allegheny county, place of holding elections in.

SECTION 26. That hereafter, the qualified voters of M'Candless township in Allegheny, shall hold their general and township election at the house of James Anderson in said township, and William Peters is hereby appointed judge, and William Peebles and Benjamin Sarver are hereby appointed inspectors, to act until others are duly elected to fill said offices.

McCandless township, Allegheny county.

SECTION 27. That the commissioners and inhabitants of the district of Southwark be, and they are hereby authorized and empowered to lease for the benefit of the said district the ends of the public streets or highways fronting upon the river Delaware within the said district, as public landings in such way and manner as they have heretofore been accustomed to lease the same, and also to have the same power, authority, use, and enjoyment of the same, as is now exercised and possessed by the city of Philadelphia over the landings at the foot of the public streets upon the same river within the said city: *Provided*, That it shall not be lawful for any person or persons to use the ends of any such streets fronting upon the river Delaware, for the purpose of storing wood, coal, lumber, staves, or other merchandize.

Certain powers granted to the commissioners and inhabitants of the district of Southwark.

SECTION 28. That the qualified voters of the township of Springhill, in the county of Bradford, shall hereafter hold their general and township elections at the school house near James Black's in said township, and said township of Springhill shall hereafter be known and called by the name of Tuscarora.

Springhill township, Bradford county, place of holding elections in.

SECTION 29. That from and after the passage of this act, the city of Carbondale shall be and constitute one school district, and for the existing school year and until the next annual spring election the directors elected for the district of Carbondale, and resident within the limits of said city, shall be the board of school directors for the district composed by the said city of Carbondale, with power to fill vacancies and do all and every the things which to said office appertain, and which the board of school directors are by law in their respective districts authorized to do.

City of Carbondale erected into a school district.

High constable of the borough of Ebensburg, powers of.

SECTION 30. That the high constable of the borough of Ebensburg, in the county of Cambria, shall have, exercise, and possess throughout the said county, all the powers and duties of the constables elected in the several townships in said county, and before he shall enter upon the duties of his office shall take and subscribe the same oath as other constables, and shall if not possessed of a freehold estate in his own right clear of all incumbrances of the value of one thousand dollars, enter into a bond with that amount with at least one sufficient surety, to be approved of by the Court of Quarter Sessions of said county, in the same manner and with reference to the several constables of the several townships of the several counties within this Commonwealth, and for the same uses and trusts, to all intents and purposes, and for the same penalties imposed for neglect or refusal to serve the said court, shall have the same power to appoint another person in the Court of Quarter Sessions in the several counties of this Commonwealth, have and possess by law to appoint a constable in any of the townships in the several counties of this Commonwealth, and that the act of Assembly approved the thirty-first day of March, one thousand eight hundred and forty-three, relating to the duties of said high constable, be, and the same is hereby repealed.

North Branch of the Loyalsock declared a public highway, &c.

SECTION 31 That the north branch of the Loyalsock creek and its tributaries, Birds creek and Lick creek, in the county of Sullivan, be, and the same are hereby declared public highways.

Certain act relative to deer, repealed so far as relates to Lamar and Porter townships, Clinton county.

SECTION 32. That an act to prevent the hunting of deer with dogs in the county of Centre, in the townships of Logan, Greene, Lamar, and Porter, in Clinton county, approved the thirtieth day of April, one thousand eight hundred and fifty, be repealed, so far as the same relates to the townships of Lamar and Porter, Clinton county.

Spring Garden, election of commissioners for.

SECTION 33. That the qualified voters of each of the wards of the district of Spring Garden, shall on the second Tuesday of October next, and annually thereafter, at the usual place of holding the general elections, and under the directions of the officers who are authorized by law to conduct the same, elect by ballot one citizen of each of the said wards in said district, who at the time of his election shall be a resident of the ward for which he is elected, to serve for commissioner of said district for a term of three years from the time of such election in the place of the commissioner whose term expires: *Provided*, That the special election to fill vacancies shall be held in accordance with existing laws in the several wards of said district.

Borough of Somerset, Somerset county, relative to election of justices of the peace in.

SECTION 34. That the qualified voters in the borough of Somerset, in the county of Somerset, are hereby authorized to vote at their borough election to be held in May next, whether the number of justices of the peace shall be increased in said borough; the same notice to be given as now required by existing laws in relation to the increase of the number of justices of the peace.

Mifflintown borough erected into a separate school and election district.

SECTION 35. That the borough of Mifflintown, in the county of Juniata, shall hereafter form a separate school and election district, and that the qualified electors thereof shall hold their general, special, and borough elections at the court house in said borough, and that John Wright shall act as judge, and J. D. Sharon and Jonathan McCoy as inspectors, of said election, until the next annual election for the same officers; and that Jonathan W. Aitken and Joseph M. Belford shall serve as school directors in said district for one year, James W. Crawford and R. C. Gallagher for two years, and John Schriver and Robert Barnard for three years.

SECTION 36. That the qualified electors of the township of Fermaugh, in the county of Juniata, shall hereafter hold their general and township elections at the Big Run school house in said township, and that William B. Reynolds shall act as judge, and William Horning and Jacob Pechtly as inspectors, of said election, until the next annual election for the same officers.

Fermaugh township, Juniata county, place of holding elections in.

SECTION 37. That the general and township elections for the township of Fishing Creek, Columbia county, shall hereafter be held at the house of Abraham Kline in said township.

Fishing Creek township, Columbia county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 255.

A FURTHER SUPPLEMENT

To an act to incorporate the Little Schuylkill and Susquehanna Railroad Company, now the Catawissa, Williamsport, and Erie Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in the sale or other disposition of bonds hereafter issued by the Catawissa, Williamsport, and Erie Railroad Company, secured by a mortgage of thirtieth of July, one thousand eight hundred and forty-nine, recorded in the counties of Schuylkill, Lycoming, and Columbia, it shall be lawful for the president and managers of the said company to do all and every act matter and thing not prohibited by the stockholders, or a majority of them, which the said stockholders, or a majority of them, or the said president and managers, with the consent or by order of the said stockholders, or a majority of them, might or could at any time do or have done according to the provisions of an act of the twentieth day of March, one thousand eight hundred and forty-nine, under which the said mortgage was executed; and that under and subject to the said mortgage the said president and managers shall have power and authority, unless prohibited as aforesaid, to borrow or raise by the creation, issue, and sale, or other disposition of bonds or preferred stock from time to time, on such terms and at such terms and at such prices as they may deem proper, such further or other sum or sums of money as they may deem necessary in order to carry into effect the purposes of their original incorporation, and of all or any acts subsequent thereto; and upon any preferred stock which may be so from time to time

created and issued or disposed of, such rate or rates of interest or dividends as may be expressed in the certificate or certificates of or for the same, whether above or below the rate of six per cent. per annum, shall in all cases be paid next after the interest of the said mortgage of the thirtieth day of July, one thousand eight hundred and forty-nine, out of the profits of the said company, and before any dividend on any stock issued or created before the said twentieth day of March, one thousand eight hundred and forty-nine; and for securing the payment of any bonds or preferred stock and interest or dividends that may be issued under this act, it shall be lawful for the said president and managers to make and execute, subject to the said mortgage, such new and other mortgage or mortgages, or defeasible deed or deeds of trust as are or were by the said act of the twentieth day of March, one thousand eight hundred and forty-nine, authorized of or concerning any mortgage or defeasible deed or deeds of trust therein mentioned, and for all or any of the purposes mentioned in this act to bind the said corporation under its corporate seal or otherwise as may be required, in order to carry the same into effect.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 256.

AN ACT

To authorize and empower the receivers of the New Hope Delaware Bridge Company, appointed by the chancellor of the State of New Jersey, to sell and convey the real estate and franchises of the said company, and to pay the debts of the same.

Preamble.

WHEREAS, The New Hope Delaware Bridge Company, which was chartered by the States of Pennsylvania and New Jersey, has become insolvent and has neglected and refused to pay its debts;

And whereas, The Court of Chancery of the State of New Jersey has appointed John Runk, John H. Wakefield, and Adams C. Davis receivers, with full power to demand, sue for, collect, receive, and take into their possession, all the property, real and personal, with the books and other papers belonging to the said company, according to the provisions of an act of the State of New Jersey entitled "An Act to prevent frauds by incorporated companies," passed April fifteenth, one thousand eight hundred and forty-six;

And whereas, The said receivers have proceeded pursuant to the said act, and taken possession of all the property of the said company they could find, and especially of the bridge and appurtenances of the said company, and are now in possession of the same;

And whereas, The said receivers have received under the order of the said Court of Chancery and issued their certificates for a large amount of the bills and other debts of the said company;

And whereas, The personal property is entirely insufficient to pay the debts of the said company, and it is necessary to sell the said bridge and other real estate to pay the creditors;

And whereas, By the laws of the State of Pennsylvania, the said receivers cannot sell and convey the said bridge and appurtenances and other real estate and pay the said creditors; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said John Runk, John H. Wakefield, and Adams C. Davis, receivers appointed by the Court of Chancery of the State of New Jersey, for the creditors and stockholders of the president and managers of the New Hope Delaware Bridge Company, and Phineas Jenks, of Bucks county, be, and they are hereby appointed receivers for the said creditors and stockholders, who shall before they proceed to act respectively take and subscribe the following oath or affirmation before a judge of the Court of Common Pleas of the county of Bucks, to wit: "I,

Receivers appointed by the court of Chancery of New Jersey, to take oath, &c.

do swear (or affirm) that I will faithfully, honestly and impartially execute the powers and trusts reposed in me as receiver for the creditors and stockholders of the New Hope Delaware Bridge Company," which oaths shall be filed in the clerk's office of the said Court of Common Pleas within ten days after taking the same, and shall also give bonds with sufficient sureties to the Commonwealth, to be approved by the said Court of Common Pleas, for the honest and impartial and faithful performance of their duties.

SECTION 2. That the said receivers shall have full power and authority to demand, sue for, and take into their possession all the books, papers, and accounts, goods, chattels, rights, credits, moneys, effects, lands, tenements, choses in action, bills, notes, and property of every description belonging to the company at the time of their insolvency, and especially the New Hope Delaware bridge and all its privileges and franchises; and it shall be the duty of the said receivers within thirty days after the passage of this act, to file copies of all their inventories and reports, certified by the clerk of the Court of Chancery of the State of New Jersey, in the office of the prothonotary of the Court of Common Pleas of the county of Bucks, and thereafter to file in the same office duplicates of all their reports, orders, and proceedings: *Provided,* That nothing in this act shall be so construed as to set aside or impeach any sale or transfer of any property of said company bona fide made for a valuable consideration since said insolvency, or to authorize the said receivers to take possession of said property, or to set aside or impeach any bona fide settlement of accounts or payments made by said company subsequent to said time.

Powers of said receivers.

SECTION 3. That the said receivers shall have full power and authority, whenever they shall deem it proper, to institute suits at law or in equity in their own names as receivers aforesaid, for the recovery of any estate real or personal, debts, rights in action, damages, and demands whatsoever, and wheresoever existing, in favor of the said company

Further powers.

at the time of its insolvency, or accruing subsequent thereto, and with power at their discretion to compound and settle with any debtor of said company upon such terms as the said receivers shall deem most advantageous for the persons interested in the funds and property of the said corporation.

SECTION 4. That the said receivers shall have power to summon and examine the president and managers and treasurer of said company who were in office at the time of its insolvency, or any other officer or agent of the said company under oath or affirmation (which oath or affirmation the said receivers are hereby empowered to administer) respecting the affairs and transactions, the estate, money, goods, chattels, credits, notes, bills, and choses in action, real and personal estate, and effects of every kind whatever of said company; and if such officer, agent, or other person, shall refuse to appear, or shall refuse to be sworn or affirmed, and to make answer to such question as shall be put to him, or to declare the whole truth, such contumacy may be reported by the said receivers to the chancellor of New Jersey, and to the Court of Common Pleas of the county of Bucks, which shall have power to commit such person to prison until he shall submit to be examined as aforesaid, and shall pay all the cost of such proceedings against him.

Power to appoint toll-keeper, &c.

SECTION 5. That the said receivers shall have full power and authority to appoint a toll-keeper to collect the tolls on the said bridge, and to sell and convey all the real estate of the said company, including the said New Hope Delaware bridge and its appurtenances, together with all the chartered rights, privileges, and franchises belonging to said company and appertaining to said bridge; and the purchaser or purchasers of said bridge and appurtenances, and chartered rights, privileges, and franchises, shall thereafter hold, use, and enjoy the same during the whole of the residue of the term of the charter of said company in as full and ample a manner as the stockholders of such company might have used and enjoyed; the same subject, however, to all the restrictions, limitations, and conditions contained in said charter: *And provided further*, That the said purchaser or purchasers, or their successors, shall not by any implication or construction of law be deemed to have the right of discounting bills, notes, or other evidence of debt, of receiving deposits, or dealing in gold or silver bullion, or foreign coin, or in buying or selling bills of exchange, or of issuing notes or other evidences of debt upon loan or for circulation as money, or of doing any other business denominated banking.

To make report to the court of Chancery.

SECTION 6. That the said receivers shall report to the Court of Chancery of the State of New Jersey all the moneys and securities for money arising from the sales of the real or personal or other estate of said company, or which they shall collect and receive by virtue of the authority vested in them, to be disposed as follows:

I. To the payment of such reasonable compensation to the contingent expenses of the said receivers as the said chancellor may deem just and proper, with such costs of proceedings as may accrue in said court.

II. To the payment of the lawful debts of the said company under the order of the said chancellor as were due at the time of the said insolvency; but nothing in this act shall be construed to legalize any preferences that may have been given to creditors, which were otherwise contrary to the laws of this State or those of New Jersey.

Vacancies.

SECTION 7. That every matter and thing by this act required to be done by the receivers aforesaid shall be good and effectual, to all intents and purposes, if done by a majority of them; and it shall be lawful for

the chancellor of New Jersey to fill any vacancy in the place of the said receivers.

SECTION 8. That this act shall take effect immediately.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 257.

A N A C T

To incorporate the Harmony and Mercer Turnpike or Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Bastain, Abraham Moyer, John Levis, James Dunlap, George Howell, James S. Kirker, Daniel Kennedy, John Christy, John Hall, John W. Riddle, Johnston Knight, John Gardner, James McClymonds, senior, Alexander Boyle, and Andrew Metz, of Butler county, Robert Francis, Caleb Pyle, William Morrison, John Weller, John McClymonds, George McCrackon, Robert Bently, Henry Hall, John Elder, John Stewart, senior, Henry Jordon, senior, and John Shaw, of Lawrence county, Edward Dennison, Thomas Palmer, William Hill, William Campbell, John Orr, Thomas M. Clark, William Stewart, John Forquer, Samuel Geibnor, James Johnston, Michael C. Trout, and McClaine Thorne, of Mercer county, be, and they are hereby appointed Commissioners. Commissioners.

commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Harmony and Mercer Turnpike or Plank Road Company," with power to construct a turnpike or plank road from the terminus of the Perrysville and Zelenople plank road, or where it leaves the Mercer road at or near the north end of the bridge across Conoquennessing creek at Harmony, in the county of Butler, and extend the same to the borough of Mercer, in the county of Mercer, by way of Portersville, Harlinsburg, and Leesburg, by the nearest and best route, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, except that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within Style. Location. Subject to provisions of certain act.

the limits prescribed by the said thirteenth section without reference to the width of wheels in any case.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of two thousand five hundred shares, at twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.

Commence-
ment and com-
pletion of road.

SECTION 3. That if said company shall not commence the construction of the road within three years after the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 258.

AN ACT

To incorporate the Carbondale and Providence Turnpike and Plank Road Company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James Archbald, George M. Hollenback, J. Benjamin, H. S. Pierce, H. Hackley, M. Wurts, junior, Thomas Dickson, and Thomas Sweet, or any five (5) of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Carbondale and Providence Turnpike and Plank Road Company," with power to construct a road from a point at or near the village of Carbondale, in Luzerne county, to the Leggett's Gap railroad, at or near the village of Scranton, in Providence township, in said county, by the nearest and best route for the same, as may be determined by the stockholders, subject to all the provisions, restrictions, and privileges of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to pro-
visions of cer-
tain act.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of six hundred shares, at fifty dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a

meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to carry out the true intent and meaning of this act.

SECTION 3. That it shall be lawful for the said company to purchase of the Carbondale and Blakely Turnpike Road Company the right of way of the said turnpike road company; and it shall be lawful for the said turnpike road company to sell and transfer such right of way unto the said turnpike and plank road company for the whole of the said turnpike road company's road, upon such terms as the said turnpike road company and the turnpike and plank road company shall mutually agree upon; and when such transfer shall be made, all the rights of the said "The Carbondale and Blakely Turnpike Road Company" in and to the road so transferred, shall cease and determine, and the said "The Carbondale and Providence Turnpike and Plank Road Company" may adopt and use such portion or portions of the road transferred as aforesaid as the stockholders shall deem best in the construction of their road, and other portions as they shall deem best may abandon, and in case any public road or highway shall be supplied by the road to be constructed as aforesaid, it shall be lawful for the Court of Quarter Sessions of the county of Luzerne, under the provisions of the general road laws of this Commonwealth, to vacate the same as in the case of a road which shall have become useless or burdensome; and it shall be lawful for the said turnpike and plank road company to make a plank road of such portions of their road as they shall deem best, and a turnpike road of such other portions as they shall deem best.

SECTION 4. That if any person or persons shall place or cause to be placed upon the said turnpike and plank road any obstruction or nuisance, or fill up or obstruct in any way any ditch, drain, or gutter upon or on either side of and belonging to the said turnpike and plank road, he, she, or they shall forfeit and pay not less than five dollars, nor more than fifteen dollars, to be sued and recovered as damages of like amount in actions of trespass in the name and to the use of the said turnpike and plank road company, and in all cases when the person or persons or any of them so offending shall be a minor or minors, the parents, guardians, or other person or persons under whose control such minor or minors may be, shall be subject respectively to the same penalty as aforesaid, to be sued for and recovered of him, her, or them, either separately or jointly with the said minor or minors, at the option of the said turnpike and plank road company, in manner and to the use aforesaid: *Provided however*, That nothing contained in this act, nor any recovery under the provisions of this section, shall in anywise exempt any person or persons from any penalty or forfeiture prescribed by any other act of Assembly.

SECTION 5. That if said company shall not commence the construction of their road within two years after the granting of this charter, and complete the same within five (5) years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 259.

AN ACT

To incorporate the Wyoming County Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Stark, S. D. Phelps, John V. Smith, William M. Piatt, Robert R. Little, P. M. Osterhout, Washington Stansbury, Stephen Capswell, John Bunnell, Samuel Stark, senior, Asa S. Dana, John Brisbin, A. K. Peckham, of the county of Wyoming, or any six of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style, and title, of "The Wyoming County Plank Road Company," with power to construct a plank road from the borough of Tunkhannock, in Wyoming county, to the Leggett's Gap railroad in said county of Wyoming, by the best route or routes as the stockholders may determine upon, subject to all the restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of said act relating to tolls which discriminate in favor of wheels of the width of four inches and upwards; and the company shall have power to regulate their tolls within the limits prescribed by said thirteenth section without reference to the width of wheels in any case.

SECTION 2. That said company may, if they deem it proper, use any road public or private upon which said plank road may be constructed, and said company are hereby privileged to use any bridge across any stream on the route of said road if they see proper by paying for the use of the same.

SECTION 3. That the capital stock shall consist of one hundred and fifty shares, at twenty-five dollars per share: *Provided,* That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act.

SECTION 4. That any person who shall wilfully injure or throw down any gate which shall have been erected on said road pursuant to the provisions of this act, or dig up or wilfully injure or spoil any part of such road or anything thereunto belonging, shall for every such offence forfeit to the corporation hereby created the sum of ten dollars, to be recovered by the said corporation with costs of suit as debts of like amount are by law recoverable, and the said corporation in addition thereto may recover by action of trespass for any damages actually done to the road.

SECTION 5. That the viewers provided for in case of damages by the acts heretofore referred to in assessing damages, shall take into account the advantages of said road to the lands upon which damages are claimed as well as the disadvantages, and if said road shall be located upon the route of any public laid-out highway upon which releases have been given by the owners of the land or upon which damages have been

assessed by viewers under an order of the Court of Quarter Sessions, then and in either of those cases the said corporation shall not be required to pay damages to such owners of land: *Provided*, That if the damages so assessed by viewers have not been paid by the county at time of the passage of this act, then the same shall be paid by the said corporation.

SECTION 6. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 260.

AN ACT

Authorizing W. T. Falconer, committee of Robert Falconer, to execute deeds, and relative to the destruction of trout and game in Cumberland county, and to authorize the Cumberland Valley Mutual Protection Company, of Dickinson township, in said county, to borrow money, and relative to the Light Artillery company of Perry county, in relation to the sale of the real estate of Jesse Miller, deceased, authorizing the school directors of Spring township, Perry county, to sell real estate, providing for the copying of the records, in relation to roads in Cumberland county, authorizing the supervisors in certain townships of Cumberland county to grade Stony Ridge, for the relief of Andrew Van Camp, incorporating the New Castle and Portersville Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That William T. Falconer, committee of the person and estate of Robert Falconer, of the township of Sugargrove, in the county of Warren, is hereby authorized and empowered to make and execute deeds for any of the lands of the estate of said Robert Falconer, to all persons entitled to the same by virtue of contracts entered into for the same previous to the lunacy of said Robert, and who may become entitled to the same upon payment of balances of purchase money due or to become due on the same without first procuring orders of court for so doing, also to sell and convey any remaining portions of the unimproved lands of said estate on such terms as he may deem advantageous. Committee of Robert Falconer authorized to execute a deed, &c.

Relative to the destruction of trout and game in Cumberland county.

SECTION 2. That it shall be the duty of the constable of the ward, township, or borough, in which any violation of the provisions of the act and the supplement thereto to which this is a further supplement, to prevent the destruction of trout in the Le Tort Spring, in the county of Cumberland, to make information of said violations, according to the provisions of said act and its supplement, approved the nineteenth day of March, one thousand eight hundred and forty-seven; and the penalty imposed by said acts shall go one-half to the constable so informing and the other half as directed by said acts: *Provided*, That possession of game during the season—it is unlawful to kill it by the provisions of said acts—shall be evidence of the possessors having violated the provisions of said acts, unless he can show that the same was not killed in the county of Cumberland: *And provided also*, That any penalty recovered shall be payable out of any personal property the offender may possess without regard to any exemption laws of the Commonwealth.

Cumberland Valley Mutual Protection Company.

Liverpool Light Artillery Company, of Perry county, to be furnished a cannon, &c.

SECTION 3. That the Cumberland Valley Mutual Protection Company of Dickenson township, Cumberland county, is hereby authorized to borrow money at any time they may think proper, so that said company has not more than ten thousand dollars of loans at any one time.

Administrator of Jesse Miller, deceased, authorized to convey real estate.

SECTION 4. That the Adjutant General be, and is hereby authorized to furnish the Liverpool Light Artillery company, of Perry county with a cannon and fixtures, and returnable on requisition of the Adjutant General when required for the service.

SECTION 5. That Benjamin M'Intyre, administrator of the estate of Jesse Miller, late of the borough of Harrisburg, Dauphin county, deceased, be, and is hereby authorized to sell and convey in fee simple, all right, title, and interest of the said Jesse Miller, deceased, at the time of his death, of, in, and to any lands, tenements, or hereditaments, and to make and execute to the purchaser or purchasers thereof good and sufficient conveyances and assurances in the law for the same; which said conveyances and assurances shall vest in such purchaser or purchasers all the estate, right, title, and interest in law and equity, which the said Jesse Miller at, and immediately before his death, had and held in the same, as fully and completely, and with like effect as if the said conveyances and assurances had been made and executed by the said Jesse Miller in his lifetime. The moneys arising from such sale or sales shall be appropriated by the said administrator to the payment of the debts owing by the estate of said Jesse Miller, deceased, and the surplus after the payment of the debts as aforesaid, shall be secured to the widow, and paid to the heirs of the said Jesse Miller, deceased, agreeably to the law of this Commonwealth made for the distribution of the estates of intestates: *Provided*, That the said administrator, before any such sale be made, shall give bond to the Commonwealth with such sureties and in such penalty as the Orphans' Court of Perry county shall approve, conditioned for the faithful application of the purchase money, and performance of the duty and trust herein prescribed: *And provided also*, Said sale or sales shall be approved by the Orphans' Court in the county where the land is situated.

School directors of Spring township, Perry county, authorized to sell certain real estate.

SECTION 6. That Samuel Waggoner, president of the board of school directors of Spring township, Perry county, or his successor in office, be, and is hereby authorized to sell at public sale to the highest and best bidder, in whole or in lots, as will be most advisable, a tract of land which Henry Rudolph Spark by will bequeathed to the then surrounding neighborhood for school purposes, together with the buildings thereon erected, giving at least three weeks' notice of such sale in one newspaper published in said county, and at least six written or printed advertisements in the most public places in the vicinity where the land

is located, and make a good and sufficient deed in fee simple to the purchaser or purchasers thereof, and shall apply the proceeds of such sale (after paying expenses) to the building of a substantial school house, on a part of said land hereinafter reserved for the use of sub-district number two, in said township of Spring.

SECTION 7. That the board of school directors of said township of Spring, at their first or any subsequent meeting after the passage of this act, shall appoint three disinterested persons to divide said land into lots to suit purchasers, and fix upon a portion of the same land or lot to be reserved for the use of said school, which upon being approved by the directors shall be final and conclusive.

Appointment of three persons to divide said land.

SECTION 8. That from and after the passage of this act, the provisions of the first section of the act entitled "An Act to provide for copying the records of the several roads heretofore laid out, and which may hereafter be laid out in the county of Philadelphia," approved the twenty-first day of March, one thousand seven hundred and ninety-eight, be, and the same are hereby extended to the county of Cumberland.

Relative to road laws in Cumberland county.

SECTION 9. That from and after the passage of this act, it shall be the duty of the supervisors of the townships of North Middletown, South Middletown, Monroe, and Silver Spring, in the county of Cumberland, to cause the hill in the Trindle Spring road, known as the Stony Ridge, to be graded at the joint and equal expense of the said townships, so that the elevation thereof when completed shall not exceed four degrees.

Stony Ridge, Cumberland county.

SECTION 10. That the State Treasurer be, and he is hereby authorized and required to pay to Andrew Van Camp the sum of one hundred dollars, being in full for damages sustained by him in the construction of the Juniata canal, and in lieu of a foot bridge allowed to said Van Camp by the canal board in the year one thousand eight hundred and thirty-eight, but which has never been built.

Andrew Van Camp, for relief of.

SECTION 11. That Jonathan Ayres, James Henderson, James Henry, Thomas Alford, junior, John Randolph, John Allen, John Weller, James Hall, senior, Robert Craig, William Christy, and Archibald McMillen, be, and they or any five of them are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The New Castle and Portersville Plank Road Company," with power to construct a plank road commencing at the borough of New Castle, in Lawrence county, and running through Princeton to the borough of Portersville, in Butler county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 12. That the capital stock of the said company shall consist of eight hundred shares, of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may in their opinion be necessary to carry out the true intent and meaning of this act.

Capital stock.

SECTION 13. That the road shall consist of a track of not less than eight nor more than fourteen feet wide, with power to lay a double track on any part of the road not more than ten feet wide each, if the company see proper at any time to do so.

Tracks.

SECTION 14. That the said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road.

Tolls.

Commence-
ment and com-
pletion of road.

SECTION 15. That if the said company shall not commence the construction of the said road in three years, and complete the same within six years from the passage of this act, then (*the sections of this act incorporating said company*) this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 261.

AN ACT

Relative to the election of trustees of the Philipsburg meeting house in Centre county, to the appointment of commissioners to mark the boundary lines between the counties of Centre and Mifflin and Huntingdon and Centre, to the election of trustees of the Old Columbia Public Ground Company of the borough of Columbia, Lancaster county, to hawkers and pedlers in Northumberland county, and relative to the powers of certain courts of Common Pleas, and authorizing Joseph Ruffhead to sell and convey certain real estate, and extending the charter of the Rock Cabin and Tangascootac Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Rust, in the county of Centre, be, and they are hereby authorized on the third Saturday in May next, and at their township elections annually thereafter, to elect three trustees in the place and room of those originally appointed by Hardman Philips, in a deed of trust for a lot of ground in the town of Philipsburg, in said county of Centre, for a church and burying ground for said town and vicinity, which said trustees shall remain in office until their successors are elected as aforesaid, and shall exercise all the powers, perform all the duties, and be subject to all the restrictions of the original trustees in the premises.

Philipsburg
Meeting House,
Centre county,
election of trustees for.

Commissioners.

Duties.

Drafts.

SECTION 2. That William Christy, of Huntingdon county, Joseph Haffley, of Mifflin county, and N. J. Mitchell, of Centre county, be, and are hereby appointed commissioners, whose duty it shall be to employ a proper number of assistants; and the said commissioners, or a majority of them, shall correctly run and mark distinctly the boundary line or lines between the counties of Centre and Mifflin and Huntingdon and Centre, agreeably to the act of Assembly creating said counties, and the supplements thereto; and the said commissioners, or a majority of them, shall make out three drafts, one of which shall be

filed in the commissioner's office of each of the said counties, and the said commissioners shall each receive the sum of two dollars and fifty cents a-day for each and every day they may be necessarily employed in running and marking said boundary line, and the assistants each the sum of one dollar for each and every day they may be necessarily employed as aforesaid, one-half of which shall be paid out of the treasury of each of said counties; and the said commissioners are hereby required to perform the duties enjoined by this act on or before the first day of December next, and the report of said commissioners shall be final and conclusive.

Pay of commissioners.

SECTION 3. That on and after the fourth Saturday of May next, the number of trustees of the Old Columbia Public Ground Company of the borough of Columbia, Lancaster county, shall be nine, and on that day the citizens of Old Columbia aforesaid are hereby authorized and required to elect at their usual hour and place of holding elections for trustees, three trustees in addition to those already elected, which three trustees shall serve until the first Saturday of January, one thousand eight hundred and fifty-four, and that the said citizens shall on the first Saturday of January of every year hereafter elect three trustees as aforesaid in lieu of three others whose terms shall expire on said day: *Provided*, That no one shall be eligible unless he shall have resided in Old Columbia for one year previous to the time of such annual election.

Old Columbia Public Ground Company, relative to.

SECTION 4. That from and after the first day of July next, no person or persons shall sell or expose to sale within the county of Northumberland, as a hawker, pedlar, or travelling merchant, any foreign or domestic goods, wares, or merchandize, other than his or their own manufacture, under the penalty of fifty dollars for each and every offence, to be inflicted in the manner provided for in the act of April sixth, A. D., one thousand eight hundred and thirty-three, entitled a supplement to the act regulating auctions in the city of Lancaster and other towns of this Commonwealth, &c.: *Provided*, That the provisions of this act shall not apply to persons legally authorized to carry goods for wholesale purposes.

Hawkers and pedlars in Northumberland county, for regulation of.

SECTION 5. That the powers of the several Courts of Common Pleas of the counties of Philadelphia, Schuylkill, and Berks, under the provisions of the fourth, fifth, sixth, seventh, and eighth sections of the act entitled "A Supplement to an act entitled 'An Act to prevent waste in certain cases within this Commonwealth,'" passed the twentieth day of March, one thousand eight hundred and twenty-two, to land and building associations, &c., passed the twenty-second day of April, one thousand eight hundred and fifty, be, and the same are hereby extended to the granting of charters of incorporation to associations therein mentioned, whose number of shares of stock shall not exceed twenty-five hundred, and the value of each share not exceeding that mentioned in the sixth section of the said act.

Provisions of certain act extended to the granting of charters of incorporation, whose number of shares of stock do not exceed 2,500, &c.

SECTION 6. That the first section of the act entitled "An Act appointing commissioners to run the boundary line between Lycoming and Tioga counties, and for other purposes," passed twenty-ninth May, one thousand eight hundred and forty-nine, is hereby extended and continued in full force until the first day of January, one thousand eight hundred and fifty-two.

Boundary line between Lycoming and Tioga counties.

Whereas, Mary Ruffhead, wife of Joseph Ruffhead, of Porter township, Lycoming county, is of unsound mind, and thereby incapable of executing any contract or deed of conveyance for lands, &c.; therefore,

Preamble.

SECTION 7. That the said Joseph Ruffhead, be, and he is hereby authorized and empowered to sell and convey any real estate in said county of which he is now seised, as fully as if he were unmarried, and

Joseph Ruffhead authorized to sell real estate.

his own deed conveying the same, duly executed by him, shall pass all the interest of the said Mary Ruffhead, his said wife, therein to the grantee as fully, to all intents and purposes, as if the said Mary Ruffhead, his wife, were of sound mind, and duly joined in such conveyance: *Provided*, That before any such deed or deeds shall be adjudged available in law to convey the estate free of dower of the said Joseph Ruffhead, the said Mary Ruffhead shall be duly declared by the Court of Common Pleas of Lycoming county a lunatic, in which case the said Joseph Ruffhead may be appointed a committee of the person and estate of the said Mary: *Provided further*, That this act shall not be so construed as to give the said Joseph Ruffhead any authority to sell the separate property of the said Mary, or extend beyond such lunacy to her right of dower.

Rock Cabin and
Tangascootac
Railroad Com-
pany, charter
extended.

SECTION 8. That the several provisions of the act entitled "An Act authorizing the Governor to incorporate the Rock Cabin and Tangascootac Railroad Company in Centre county," passed the fourth day of April, Anno Domini, one thousand eight hundred and thirty-one, and of the several supplements thereto, be, and the same are hereby continued in full force for the period of twenty years from and after the passage of this act, and William J. Greenoug, Jesse R. Burden, Henry Mish, Samuel J. Packer, Brua Cameron, Simon Cameron, and John B. Packer, their associates and successors, are hereby fully constituted, authorized, and empowered, as commissioners and corporators in lieu of the commissioners and corporators named and appointed in pursuance of said act or acts, to carry into effect all the provisions and to enjoy and possess all the powers, privileges, franchises, and immunities contained in said act and its several supplements; and the said company are also hereby authorized, under the provisions of said act, to construct a railroad with as many tracks as they may deem expedient from any point they shall deem most advantageous upon or near Beach creek, by any route they may select, to the Bald Eagle canal and Slackwater navigation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 262.

AN ACT

Relative to the election of the town council of the borough of Bellefonte, and to incorporate the Hebron and State Line Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That at the next borough election the citizens of the said borough of Bellefonte shall elect nine persons to be a town council, and the three who shall be highest in vote shall continue in office three years, the three next highest two years, and the three lowest one year, and annually thereafter the citizens aforesaid shall elect three members of the town council, whose term of office shall be three years. Election of town council for the borough of Bellefonte.

SECTION 2. That in case the votes of two or more of the members elected at the next annual election should be equal, they shall determine by lot their respective terms of holding office as required by the preceding section. Tie vote.

SECTION 3. That William Smith, George Smith, William M'Dougall, Benjamin D. Dolbee, George Estes, Joseph Morse, Foster Reynolds, George W. J. Judd, William Shattuck, and Joseph Mann, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style, and title, of "The Hebron and State Line Plank Road Company," with power to construct a plank road from the mouth of the south branch of Oswego creek in Hebron township in said county, by way of the valley of the Eleven Mile creek to the New York State line by the nearest and best route, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Commissioners.
Style.
Location.
Subject to provisions of certain act.

SECTION 4. That the capital stock of said company shall consist of six hundred shares at twenty-five dollars per share: *Provided,* That said company may from time to time by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act. Capital stock.

SECTION 5. That if said company shall not commence the construction of their road within five years after the granting of this charter, and complete the same within ten years thereafter, the sections of this act incorporating said company shall be null and void, except so much of the same as may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 263.

AN ACT.

To change the name of the Northumberland and Point Infantry and the Independent Rangers, to the payment of certain companies by the treasurers of Fayette, Lycoming, and Union counties, relative to certain school and election districts, to incorporate the Odd Fellows' Hall Association in the county of Chester, and extending certain road laws in Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the Northumberland and Point Infantry, a volunteer company in the county of Northumberland, shall be known and called by the name and style of the "Cadwallader Infantry:" *Provided,* That all acts done under the former name of the Northumberland and Point Infantry shall not be affected in any manner by the passage of this act, and the said corps shall enjoy all the advantages in point of date or age, and all other immunities and privileges attaching to said company under its former organization, as if this act had not been passed.

Name of the
Northumber-
land and Point
Infantry
changed.

Name of Inde-
pendent Ran-
gers changed.

SECTION 2. That from and after the passage of this act, the Independent Rangers, a volunteer company of Washington county, shall be known and called by the name and style of the "Ringgold Infantry:" *Provided,* That all acts done under the former name of the Independent Rangers, shall not be effected in any manner by the passage of this act, and the said corps shall enjoy all the advantages in point of date or age, and all other immunities and privileges attaching to said company under its former organization, as if this act had not been passed.

Part of Coal
township, in the
county of Nor-
thumberland,
erected into a
separate elec-
tion and school
district.

SECTION 3. That all that part of Coal township, in the county of Northumberland, lying west of a line beginning at the line between Coal and Cameron townships, at a point two thousand feet westward of where the said line crosses the west boundary of a tract of land surveyed to Alexander Hunter the twenty-seventh day of October, one thousand seven hundred and ninety-four; thence north fourteen degrees west to the line between the townships of Coal and Shamokin, be, and is hereby erected into a separate school and election district, and the qualified voters residing within the said boundaries shall hereafter vote at the general elections at the public house of Henry B. Weaver, in the town of Treverton, and Edward Helfenstein shall be judge, and Jeremiah Perkins and Daniel Beckley inspectors, of the next general elections, and the voters thereof shall elect the inspectors and judges of the general election for said district at the time and place of holding the general election.

Corporators.

SECTION 4. That John E. Webster, Isaac J. Burn, Joshua Jones, junior, Henry C. Burn, William L. Crossley, junior, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of Paoli, in the county of Chester," and by that name shall have perpetual succession, and be able to sue and

Style.

be sued, plead and be impleaded, in any court of law or equity or elsewhere; and shall be able and capable in law and in equity to take and to hold to them and their successors, either by grant, devise, or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of the said association any goods and chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell, or mortgage for the use of the said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall be at any time possessed shall not exceed the clear yearly value of three thousand dollars.

SECTION 5. That the object of the said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the township of Tredyffrin and county of Chester, for the accommodation of such associations or societies, and for such other purposes as they shall deem proper.

SECTION 6. That it shall and may be lawful for said incorporation to have a common seal, and the same at their will and pleasure to change, alter, and renew as they shall deem proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purposes of the incorporation hereby constituted and as herein expressed.

SECTION 7. That the government of the Odd Fellows' Hall Association of Paoli, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually at such time and in such manner as the said association shall by its by-laws provide. At the first meeting of the trustees after their election in each year, they shall choose from their body a president, secretary, and treasurer.

SECTION 8. That the corporation hereby created shall have authority to make by-laws conformable to the charter and not in violation of the laws of the United States or of this Commonwealth.

SECTION 9. That the Legislature reserves the right to alter, revoke, or annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the corporators.

SECTION 10. That from and after the passage of this act, the qualified electors of Penn township, in the county of Clearfield, shall hold their general and township elections at the store house of Samuel Smith, in said township.

SECTION 11. That the treasurer of the county of Fayette be, and he is hereby authorized and required to pay the Perry Riflemen for the year eighteen hundred and fifty, the quota that would have been due them if said company had been duly returned according to law, out of any military moneys in the hands of said treasurer.

SECTION 12. That the first, second, third, fourth, fifth, sixth, seventh, and eighth sections of the act entitled "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," passed the third day of March, one thousand eight hundred and forty-seven, be and the same are hereby extended to the townships of Clinton and Mount Pleasant, in the county of Wayne.

SECTION 13. That the qualified voters of said townships of Clinton and Mount Pleasant shall on the first Friday of May, one thousand eight hundred and fifty-one, elect at the usual places of holding town-

Privileges.

Object.

Seal.

Management of affairs.

By-laws.

Reservation.

Penn township, Clearfield county, place of holding elections in.

Perry Riflemen, pay of.

Provisions of certain act relative to roads extended to Wayne county.

Supervisors for said townships.

ship elections, two supervisors for each of said townships, to serve one year.

Officers of elections for Mount Pleasant township, in said county.

SECTION 14. That Lucius F. Morton is hereby appointed judge, and Reba Blandin and David S. West inspectors, in Clinton, and C. C. Wheeler, judge, and J. N. Chalker inspectors, in Mount Pleasant, to hold and conduct said election as other elections for supervisors are by law directed to be held, and that they are hereby required to give five days' public notice of the time and place of holding said election by written hand bills, to be put up in five of the most public places in each of said townships.

Repeal.

SECTION 15. That so much of any former acts in relation to supervisors that interfere with the provisions of this act are hereby repealed, so far as relates to said townships.

Treasurer of Lycoming county, authorized to pay certain monies to the Lycoming troops.

SECTION 16. That the treasurer of Lycoming county be, and he is hereby authorized and required to pay, agreeably to tenth section of the act of April sixteenth, one thousand eight hundred and forty-nine, the amount that was due and unpaid to the First Lycoming Troops for the year one thousand eight hundred and forty-nine, out of any military funds or moneys that are now or may hereafter come into the hands of the treasurer of said county.

Treasurer of Union county authorized to pay certain money to the Lewisburg Infantry.

SECTION 17. That the treasurer of Union county be, and he is hereby authorized and directed to pay to the Lewisburg Infantry, out of the military fund, the quota of money due the said company for the year one thousand eight hundred and fifty, the same as though the roll of said company had been returned in due time according to existing law.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 264.

AN ACT

To change the name of Francis S. R. Power to Francis S. R. Bliven, making William H. Porter and Edith T. Greeno heirs and adopted children of Daniel and Elmira Greenleaf, relative to the sale of liquor in certain districts in Carbon and Luzerne counties, to incorporate the Pine Creek and Cawanesque Plank Road Company, and relative to the Williams Valley Railroad and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Francis S. R. Power, of the county of Bradford, an adopted daughter of Daniel S. Bliven, be, and she is hereby authorized to change her name from Frances S. R. Power to Frances S. R. Bliven, and she shall be henceforth called and known by the name of Frances S. R. Bliven, and by that name shall be able and capable in law to sue and be sued, grant, receive, take, and inherit any estate real or personal, and do all other legal acts as effectually, to all intents and purposes, as she could have done by her former name if no change had been made therein, and she is hereby invested with all the legal rights of a legitimate daughter and legal heir of the said Daniel S. Bliven.

Frances S. R.
Power, name
changed.

SECTION 2. That Edith T. Greeno, of the township of Canton, in the county of Bradford, and William Henry Porter, of the township of Granville, in the county of Bradford, be, and are hereby invested with all the legal rights of legitimate children and legal heirs of Daniel G. Greenleaf and Elmira P. Greenleaf his wife, of the township of Canton, in the county of Bradford.

Wm. H. Porter
and Edith T.
Greeno, legiti-
mated.

SECTION 3. That the provisions of the second and third sections of an act entitled "An Act to authorize the voters of Mifflin county to decide the question of tavern license therein, and to prohibit the sale of intoxicating drinks within specified limits in certain counties," approved the twenty-sixth day of April, one thousand eight hundred and forty-six, be, and the same are hereby extended to the coal mines situated in the township of Banks, Carbon county, and to the coal mines situated in the township of Hazle, in the county of Luzerne, and other coal mines belonging to the Beaver Meadow Railroad and Coal Company.

Carbon and Lu-
zerne counties,
relative to sale
of liquors in.

SECTION 4. That Benjamin Barse, Selas X. Billings, Hiram K. Hill, David Ellis, Stephen Babcock, P. S. S. M'Niel, Silas Billings, David Close, C. Eastman, Richard Cruson, Henry Brown, Francis Strang, of the county of Tioga, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Pine Creek and Cowanesque Plank Road Company," to locate and construct a plank road from Gaines Centre to the village of Westfield, in the county of Tioga, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections.

Commissioners.

Style.

Location.

Subject to pro-
visions of cer-
tain act.

SECTION 5. That the capital stock of the said company shall consist of five hundred shares, of twenty-five dollars per share: *Provided*, The said company may from time to time, at a meeting of the stockholders called for the purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act: *Provided also*, That said company may use the bed of the old road, or any part of the same as they may see fit.

Capital stock.

SECTION 6. That if the said company shall not commence the construction of the said road within three years after the passage of this act, and complete the same within seven years thereafter, then the preceding sections of this act shall be null and void, except so far as the same may be necessary to wind up the affairs of the company.

Commencement
and completion
of road.

SECTION 7. That the third section of the act passed the seventh day of April, A. D., one thousand eight hundred and forty-nine, entitled "A supplement to an act entitled 'An Act authorizing the Governor to incorporate the Williams Valley Railroad and Mining Company in Dauphin and Schuylkill counties,'" passed the twenty-fifth day of May,

Williams Valley
Railroad and
Mining Com-
pany, relative
to.

A. D., one thousand eight hundred and thirty-nine, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 265.

AN ACT

Altering the charter of the Easton Gas Company, authorizing Peter Hershner, John Brossman, John Stamm, and Lewis G. Hanold, guardians, to sell certain real estate, relative to elections in Berks county, in the township of North Heidelberg, and in the borough of Bernville in said county, supplementary to the act incorporating St. Johns Church, in Robeson township, fixing the time of holding courts in Greene county, and relative to the estate of Catharine Yohe, deceased.

Charter of the
borough of
Easton altered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the tenth section of "An Act passed the fourteenth day of March, one thousand eight hundred and fifty, incorporating the Easton Gas Company," as authorizes the town council of the borough of Easton at any time after the expiration of ten years to purchase the rights and estates of the said company on paying the actual costs of the same, be, and the same is hereby repealed.

Peter Kershner, guardian,
authorized to
sell certain real
estate.

SECTION 2. That Peter Kershner, guardian of William Kershner and Sidney Anne Kershner, John Brossman, guardian of Alfred Kershner and Benjamin Kershner, and John Stamm, guardian of Matilda Kershner, Wellington Kershner, and Eleonora Kershner, be, and they are hereby authorized and enabled to sell and convey in fee simple or otherwise the estate, right, title, and interest, whatever it may be, of the said minors, and of each of them as heirs and legal representatives of Daniel Kershner, late of Bern township, Berks county, deceased, of in and to all that certain tract or body of land situate, lying, and being in the county of Schuylkill, formerly Berks, in the State of Pennsylvania, which was sold by John Christ, high sheriff of the county of Berks aforesaid to William Witman, and which in a certain deed between the parties last aforesaid, dated the eleventh day of January, one thousand seven hundred and ninety-nine, acknowledged on that day and recorded in said Berks county, in deed-book A, number twenty-five, page four hundred and seventy-two, is described as follows, to wit: "a certain tract of wood land containing two thousand four hundred acres, situate in Pinegrove township, in Berks county, adjoining lands of John Snell and

company, William Witman, junior, John Nicholson, Esq., and others, late the estate of John Lewis Bard, deceased, and a deed or deeds of conveyance therefor, executed, acknowledged, and delivered by the said guardians to the purchaser or purchasers, his, her, or their heirs or assigns, shall be deemed and taken to pass and convey all the estate, right, title, and interest of the said minors, and each of them, whatever it may be, of, in, and to the same, and to have the same force and effect as if the said minors were of full age, and the same duly executed and delivered by them: *Provided*, That no such deed or deeds shall be made until the guardians shall make report of the sale or sales to the Orphans' Court of Schuylkill county, and the same shall be approved of and confirmed by the said court, and the said guardian shall have given security, to be approved of by the said court, for the faithful application or investment of the proceeds of sale for the benefit of said minors.

SECTION 3. That Lewis J. Hanold, guardian of John H. Kendall, and Lucian H. Kendall, minor children and heirs at law of Richard M. Kendall, late of the State of Indiana, deceased, be, and he is hereby authorized to sell and convey in fee simple or otherwise the estate, right, title, and interest whatever it may be, of the said minors, and of each of them, as heirs and legal representatives of Samuel Kendall, late of Reading, in Berks county, deceased, of, in, and to all that certain tract or body of land situate, lying, and being in the county of Schuylkill, formerly Berks, in the State of Pennsylvania, which was sold by Daniel Keiper, high sheriff of Berks county to Jacob K. Boyer, Samuel Kendall, and George Stoner, in fee simple as tenants in common and not as joint tenants, and which in a certain deed between the parties last aforesaid, dated and acknowledged on the fourteenth day of April, Anno Domini, one thousand eight hundred and thirteen, is described as follows, to wit: "a certain tract of land situate in Pinegrove township, Schuylkill county, formerly Berks, containing two thousand and six hundred acres, adjoining land of John Snell and company, and late John Nicholson, Christopher Fincher, and George Rapp, as tenants in common, late the estate of Daniel Kirehner," and a deed or deeds of conveyance therefor, executed, acknowledged, and delivered by the said guardian to the purchaser or purchasers, his, her, or their heirs or assigns, shall be deemed and taken to pass, and convey all the estate, right, title, and interest of the said minors, and of each of them, whatever it may be, of, in, and to the same, and to have the same force and effect as if the said minors were of full age, and the same duly executed, acknowledged, and delivered by them: *Provided*, That no such deed or deeds shall be made until the said guardian shall make report of the sale or sales to the Orphans' Court of Schuylkill county, and the same shall be approved of and confirmed by the said court, and the said guardian shall have given security to be approved of by the said court for the faithful application or investment of the proceeds of sale for the benefit of the said minors.

Guardian of the
minor children
of Richard M.
Kendall author-
ized to sell cer-
tain real estate.

SECTION 4. That a certain deed executed and delivered by Henry Kendall, of the city of Philadelphia, to Charlemagne Tower, his heirs and assigns, for all his estate, right, title, and interest to all and singular that certain tract or body of land lying and being in the county of Schuylkill, formerly Berks, in the State of Pennsylvania, which was sold by Daniel Keiper, high sheriff of Berks county, to Jacob K. Boyer, Samuel Kendall, and George Stoner, containing two thousand six hundred acres, adjoining lands of John Snell, and company, and late John Nicholson, Christopher Fincher, and George Rapp, which deed of said Henry Kendall is dated the twenty-sixth day of June, in the year of

Certain deed
delivered by
Henry Kendall
validated.

our Lord, one thousand eight hundred and fifty, and is recorded in Schuylkill county, in deed book number thirty-five, page three hundred and sixteen, shall be valid and effectual and shall pass to and vest in the said Charlemagne Tower and his heirs and assigns, all the estate that the said Henry Kendall had therein, whether devised to the said Henry Kendall as one of the heirs and legal representatives of his brother, the said Samuel Kendall above named, now deceased intestate or otherwise, and with the same force and effect as if the said Henry Kendall had not been under any incapacity or legal disability at the time of the execution of said deed: *Provided*, That the Orphans' Court of Schuylkill county shall approve of and confirm said sale and conveyance.

Provisions of certain act relative to voting at elections extended to Berks county.

SECTION 5. That the provisions of the act entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene, and Erie," approved the twenty-seventh day of February, A. D., one thousand eight hundred and forty-nine, be, and the same are hereby extended to the general election in the county of Berks.

Borough of Bernville, Berks county, erected into a separate election district.

SECTION 6. That the borough of Bernville, in the county of Berks, be, and the same is hereby erected into a separate election district, and the qualified electors thereof shall hold their general elections at the house of Daniel Bentz, in the said borough, and the next annual election shall be conducted by John Yeager as judge, and A. A. M'Donough and John Miller as inspectors.

North Heidelberg township, Berks county.

SECTION 7. That the qualified voters of North Heidelberg township, in the county of Berks, shall hereafter hold their general and township elections at the public house of Daniel Klopp, in the said township.

St. John's Church, Robeson township, Berks county.

SECTION 8. That nothing in the sixth, seventh, eighth, and ninth sections of an act entitled "An Act authorizing the school directors of Oley and Amity townships to borrow money, relative to the collection of taxes and security of supervisors in Muhlenberg township, vacating a certain street in the city of Reading, and incorporating St. John's church, in Robeson township, Berks county," approved March twenty-four, one thousand eight hundred and fifty-one, shall be so construed as to impair or destroy the rights which may have vested in any Christian congregation or individual under the provisions of the original deed of grant from Elias Redcay and wife to Valentine Geiger and Harman Umstead in trust, bearing date the twenty-ninth day of April, one thousand seven hundred and ninety-one, and recorded in Berks county, in deed book A, volume twenty-three, page fifty-one, &c., or under the provisions of any agreement in reference to the erection of said St. John's church.

Courts of Greene county, time of holding.

SECTION 9. That from and after the next May term, one thousand eight hundred and fifty-one, the several courts of Greene county shall commence and be held on the following days respectively in each and every year: On the third Monday of March to continue two weeks if necessary, second Monday of June to continue one week, third Monday of September to continue two weeks if necessary, and on the third Monday of December to continue one week.

Relative to the estate of Catharine Yohe, deceased.

SECTION 10. That so much of the fourth section of an act passed the tenth day of April, one thousand eight hundred and forty-nine, authorizing the trustee or trustees under the will of Catharine Yohe, deceased, to sell and convey certain real estate, which requires the joint concurrence of the surviving children of the said decedent to the sale of certain real estate mentioned in the preamble to said act, be, and the same is hereby repealed: *Provided*, In lieu thereof the trustee for the

time being of L. A. Tams or Caroline A. Blackstone or Susannah U. Steiner, shall be empowered and authorized to sell and convey such portion of the real estate as is mentioned in the preamble to the act to which this is a supplement, in which he is trustee, and with the consent only of the person for whom he is trustee—it being the express intentions of this act that the trustee shall only be required to obtain the consent of the person who is directly interested in the said real estate to sell and convey the same.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 266.

A N A C T

For the relief of sundry persons soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Honore Williams, of Fayette county, Catharine Fluck, of Bedford county, Mary Jones, Barbara Balliott, of Northumberland county, Noah Potts, of Beaver county, Mary Byers, of Mercer county, Jane S. Workman, of Washington county, Elizabeth Eardon, of Lancaster, George Miller, of Beaver county, and Margaret Ann Finfrock, of Somerset county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each during life as annuity, payable half-yearly, to commence on the first of January, one thousand eight hundred and fifty-one.

Annuity granted to certain soldiers and widows of soldiers.

SECTION 2. That the State Treasurer is authorized and required to pay to Jacob Housman, of Westmoreland county, a gratuity of forty dollars after the passage of this act, for services rendered his country in the Revolutionary war.

Gratuity granted to certain soldiers and widows of soldiers.

SECTION 3. That the State Treasurer is hereby authorized and required to pay to Catharine Clark, of Warren county, a gratuity of forty dollars after the passage of this act, for services rendered by her husband to his country in the Revolutionary war.

SECTION 4. That the State Treasurer is hereby authorized and required to pay to Elizabeth Thompson and Mary Lingenfelter, of York county, widows of soldiers of the Revolutionary war, an annuity of forty dollars each, payable half-yearly during life.

Annuity.

Gratuity and annuity.

SECTION 5. That the State Treasurer is hereby authorized and directed to pay to Nancy Finney, of Northumberland county, a widow of John L. Finney, a soldier of the Indian war, a gratuity of forty dollars and an annuity of forty dollars, payable half-yearly during the life of said Nancy Finney.

Stephen Gilbert, deceased, for relief of.

SECTION 6. That there shall be paid to the heirs of Stephen Gilbert, late of Berks county, deceased, out of any money in the treasury not otherwise appropriated, the sum of two hundred dollars in lieu of and as full compensation for a certain tract of donation land, number two thousand one hundred and thirteen, in the tenth donation district, which was surveyed to the said Stephen Gilbert, but the title to which proved defective by reason of the said tract of land falling within the limits of the State of New York.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 267.

AN ACT

Authorizing the laying out of a State road from Martin's Creek, in Northampton county, to Stroudsburg, in Monroe county, relative to the election of trustees of Clearfield Academy, to repeal an act authorizing the laying out of a State road in Centre and Union counties, relative to the hunting of deer with dogs in Centre county, to repeal an act declaring Elk Creek, in Penn township, Centre county, a public highway, and relative to the Delaware and Cobb's Gap Railroad Company, and to Sutherland Avenue, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John De Young and Daniel Snyder, of Northampton county, and Peter Keller, of Monroe county, be, and they are hereby appointed commissioners to view and lay out a road beginning in the road leading from Easton to the Water Gap, near the mouth of Martin's creek, in Lower Mount Bethel township, thence across the Blue Mountain, at Fox Gap, in the county of Northampton, to Stroudsburg, in Monroe county.

Commissioners.

Location.

Duty of commissioners.

SECTION 2. That it shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight

line from point to point as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road may be preserved within that limit.

SECTION 3. That it shall be the duty of the said commissioners **Mark the** plainly to mark the ground on the route agreed upon for the road afore-**ground, &c.** said, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain-carriers and one axeman at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

SECTION 4. That it shall be the duty of the said board of Commis-**Draft.** sioners to make out a fair and accurate draft of the location of said road, respectively, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads, and waters, with such other matters as may serve for explanation; one copy whereof to be deposited in the office of the Secretary of the Commonwealth on or before the first day of February, Anno Domini, one thousand eight hundred and fifty-two, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out on the day aforesaid, or as much sooner as practicable; and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth of thirty-three feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 5. That the accounts of the said commissioners for their own pay, and the pay of the surveyor, chain-carriers, and axeman, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties on warrants drawn in the usual way. **Accounts.**

SECTION 6. That the said commissioners shall meet on or before the first day of August next, or as soon thereafter as practicable, and com-**Meeting of com-** plete the view of said road as soon as practicable, and if any vacancy missioners. or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duties.

SECTION 7. That hereafter, at any election for trustees of the Clear-**Clearfield Aca-** field Academy, no stockholder shall be entitled to more than one vote demy. for any number of shares of stock he may hold in the capital stock of the same; and any law heretofore passed authorizing the stockholders to vote more than one vote in consequence of holding a number of shares of stock, is hereby repealed—any by-laws of said corporation allowing the same is hereby declared void.

SECTION 8. That no stockholder in the Clearfield Academy shall hereafter be allowed to vote by proxy, or in any other manner than by **Votes.** personally depositing his ballot at the time and place of holding elections for trustees of said institution.

SECTION 9. That so much of the third and fourth sections of an act **Relative to a** approved the twenty-fifth day of March, Anno Domini, one thousand State road in eight hundred and fifty, as authorizes and directs the laying out, open-**Centre and** ing, and keeping open of a State road from the forks of Penn and Pine **Union counties.**

creek, in Centre county, to Fulmer's saw mill, in Union county, be, and the same is hereby repealed.

Relative to the hunting of deer in Centre county.

SECTION 10. That the first section of the act of thirtieth April, one thousand eight hundred and fifty, relative to the hunting of deer with dogs at any season of the year in the county of Centre, and the townships of Logan, Green, Lamar, and Porter, in Clinton county, and the townships of Armstrong and Clinton, in the county of Lycoming, be, and the same is hereby repealed so far as relates to Centre county.

Elk creek, Centre county.

SECTION 11. That so much of existing laws as makes Elk creek in Penn township, Centre county, a public highway, be, and the same is hereby repealed.

Hunting and fishing in Mifflin county.

SECTION 12. That the first section of the act of twenty-fourth March, one thousand eight hundred and forty-eight, relating to hunting and fishing in several counties of this Commonwealth, be, and the same is hereby repealed so far as relates to Mifflin county.

Delaware and Cobb's Gap Railroad Company.

SECTION 13. That whenever the parties cannot agree upon the damages claimed either for land or materials taken by the Delaware and Cobb's Gap Railroad Company, in the prosecution of their work said company may tender a bond and proceed in all respects as is provided and specified in the second section of the supplement to the act incorporating the Pennsylvania Coal Company, approved the second day of March, Anno Domini, one thousand eight hundred and forty-nine.

May increase capital stock.

SECTION 14. That the said company may increase their capital stock to such extent as they may deem necessary and expedient, not exceeding nine hundred thousand dollars, or in lieu of the same or any part thereof, to issue bonds or certificates of loan; and in such cases the directors shall have the power to give to the stocks, bonds, and certificates thus issued, such preference by mortgage or otherwise over the original capital stock of said company in the amount and payment of the principal dividends and interest not exceeding seven per cent. per annum, as they shall deem expedient: *Provided*, That it shall not be lawful for the said company to evade the payment of any of its obligations by virtue of the plea of usury against the party who may sue for the recovery of the same: *And provided also*, That if the president and directors deem it expedient, they may construct one or more bridges across the Delaware river, and connect at the river Delaware with any railroad, canal, or other public improvement in New Jersey.

Sutherland avenue, Philadelphia county.

SECTION 15. That so much of the fourth section of the act entitled "An Act to incorporate the district of Northern Liberties, and for other purposes," approved the fourth day of April, one thousand eight hundred and thirty-seven, as is embraced in the proviso of said section, be, and the same is hereby repealed: *Provided*, That no damages which may be incurred by the opening of Sutherland avenue shall be paid by the county of Philadelphia.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 268.

AN ACT

To incorporate the Weccacoe Hose Company of the District of Southwark, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all persons who are now members of the association called the Weccacoe Hose Company of the District of Southwark, in the county of Philadelphia, or shall be hereafter admitted members of the same, shall be, and they are hereby erected and declared to be one body politic and incorporate by the name, style, and title, of "The Weccacoe Hose Company, of the District of Southwark, in the county of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or otherwise, and to purchase, receive, have, hold, and enjoy, to them and their successors, all, and all manner of lands, tenements, rents, annuities, liberties, franchises, and hereditaments, goods and chattels, of what nature, kind, and quality soever, real, personal, or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien, or dispose of: *Provided,* That the clear yearly value or income of the said corporation shall not exceed the sum of three thousand dollars; and also to make and to have a common seal, and the same to break, alter, or renew at pleasure; and also to ordain, establish, or put into execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due ordering and management of the affairs thereof.

Incorporate.

Style.

Privileges.

SECTION 2. That nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial, or manufacturing concern, but the object of said corporation shall be the promotion of the public good by the extinguishment of fires.

Banking privileges prohibited.

SECTION 3. That the Legislature reserves the right to alter, revoke, or annul the privileges and charter hereby granted, whenever in their opinion the same be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

Reservation.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 269.

AN ACT

Authorizing the Governor to incorporate the Haverford Plank Road Company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Ashurst, William Worrell, and Charles Humphreys, of the city of Philadelphia, Peter Frailey, John Miller, Daniel Rhodes, John Waters, William Smith, John L. Frailey, and James Miller, of Philadelphia county, Dennis Kelley, and Henry C. Bevan, of Montgomery county, and Samuel Leedom, Charles Kelley, John Haslett, and John Henderson, of Delaware county, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style, and title, of "The Haverford Plank Road Company," with power to construct a road upon the bed of the Haverford road from the place where the boundary line of the borough of West Philadelphia crosses the same in the county of Philadelphia to the Haverford store in Delaware county, a distance of about five and a-half miles—said road to be made either of stone or plank, or parts of stone and parts of plank, as the nature of the case or circumstances of the company may seem to require, subject to all the provisions, regulations, and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, except that portion of the thirteenth section of said act relating to the rates of toll. And the company hereby incorporated shall have power to regulate the tolls within the limits prescribed by said thirteenth section, and lessen the same if the interests of the company may make it expedient so to do.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. That the capital stock of said company shall consist of twelve hundred shares, at twenty-five dollars per share: *Provided, That* said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock so much as in their opinion may be necessary to carry out the true intent and meaning of this act.
- Erect gates.** SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls agreeable to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.
- Commencement and completion of road.** SECTION 4. That if said company shall not commence said road within three years, and complete three miles of the same from the eastern end thereof within five years after the passage of this act, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 270.

AN ACT

To erect an independent school district out of parts of Allegheny and Beaver counties, relating to the Moyamensing Hose company, dividing lower St. Clair township, Allegheny county, to a lock-up house in East Birmingham, to authorize the directors of House of Refuge to locate their building upon the Common ground, Allegheny city, to the Aramingo canal, to the claim of Thomas Beale, to a school district in Cambria county, and to the German Reformed congregation in Germantown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that portion of the townships of Findley and Moore, in Allegheny county, and of Independence and Hopewell, in the county of Beaver, included within the following boundaries, be, and the same is hereby erected into one school district, to wit: Beginning on the land of John M'Cartney, thence by lands belonging to the heirs of David M'Clester, and Abraham Springer, thence by land of William Davidson, Letilda Harper, and the land of James Prentice, thence by land of Joseph Wallace, and thence by the land of James Stevenson to the place of beginning, including all the above-named farms.

Certain parts of Allegheny and Beaver counties erected into a separate school district.

SECTION 2. That all school taxes assessed upon persons residing in said district shall be collected and paid over to the treasurer of the school fund in Findley township, Allegheny county, to be by him kept for the separate use and maintenance of the school district hereby organized.

School taxes.

SECTION 3. That the corporate powers of the Moyamensing Hose company of the District of Moyamensing, in the county of Philadelphia, be, and the same are hereby restored as fully and effectually as if the same had never been taken away.

Moyamensing Hose Company, powers restored to.

SECTION 4. That Wm. Dilworth, Wm. Perkins, and E. H. Hastings, of Allegheny county, are hereby appointed commissioners to divide Lower St. Clair township, in said county, in manner following, to wit: Beginning on the line of Upper St. Clair township, at the farm of Col. Wm. Espy, thence northwardly, as nearly as practicable, following the dividing ridge separating the waters of Little Saw Mill and Plummers Runs, and from thence by the most approved route to High street, on the brow of Coal hill, thence by said High street to the line of South Pittsburg. That all that portion of said township lying eastwardly of said line shall constitute a separate election and school district, and shall continue to be known by the name of Lower St. Clair township; that all that portion of said township lying westwardly of said line shall constitute a separate election and school district, and shall be known by the name of Chartiers township.

Commissioners.
Chartiers township, Allegheny county erected.

SECTION 5. That said commissioners shall prepare a map or draft of each of said townships and file the same of record in the office of the clerk of the Court of Quarter Sessions of said county, and that each of said commissioners shall be entitled to one dollar and fifty cents per day for each day employed in the discharge of said duty, together with

Draft.

the reasonable charges of surveying said division line and making said drafts to be paid from the treasury of Allegheny county.

Place of holding elections in St. Clair township, in said county.

SECTION 6. That the place of holding the general and township elections in Lower St. Clair township as now organized, shall be the brick tavern at the junction of the Coal hill and St. Clair turnpikes with the Brownsville road; and in order to fully organize the said township, the qualified electors thereof shall on the second Saturday of May next, between the hours of one and seven, P. M., of said day, proceed to elect a full complement of township officers, except so far as any officers heretofore elected by Lower St. Clair shall reside in Lower St. Clair, as now organized; that Wm. Espy is hereby appointed judge and John Patterson and Wm. Noble inspectors, to hold and conduct said election.

Chartiers township.

SECTION 7. That the place of holding all general and township elections in the said Chartiers township shall be the public house near the Saw Mill Run bridge on the Steubenville turnpike, and that in order to organize said Chartiers township the qualified electors thereof shall, on the second Saturday of May next, between the hours of one and seven o'clock, P. M., of said day, elect a full complement of township officers, except so far as any officers heretofore elected in St. Clair township shall reside in Chartiers township; and that Ephraim Jones is hereby appointed judge, and Alexander Carnahan and James Richardson inspectors, to hold and conduct said election.

Lock-up house authorized to be erected in East Birmingham borough.

SECTION 8. That the burgess and town council of the borough of East Birmingham, in the county of Allegheny, be, and they are hereby authorized and empowered to build and erect, rent or otherwise provide and support, in or near to said borough, at the expense of said borough, a suitable house for the security and temporary detention of persons committed by justices of the peace of said borough and vicinity, and by the burgess of said borough or member of the town council acting in his place, for any violation of the laws of this Commonwealth or of the ordinances of said borough, for which said person or persons could lawfully be committed to the common prison of said county, there to be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or can be discharged according to law: *Provided*, That no person shall be confined in said house at any one time for a longer period than twenty-four hours, except such person be charged with an indictable offence and it be necessary to detain him for examination; and the burgess and town council of the borough of East Birmingham are hereby empowered to act in concurrence and co-operation with the burgess and town council of the borough of Birmingham, if they should deem it expedient, in erecting, renting, or otherwise providing a building suitable for the purpose aforesaid, to be used as aforesaid; and the said borough of East Birmingham shall pay such a proportion of the expense of erecting or otherwise providing and maintaining said building as shall be agreed upon by the burgess and town council of the said borough of East Birmingham and the burgess and town council of the borough of Birmingham, said corporation being contiguous; and that the expenses of committing and keeping any person or persons in said house on a charge of any indictable offence, shall be paid by the said county of Allegheny on the presentation of proper accounts of the same to the commissioners of said county.

House of Refuge of western Pennsylvania, additional powers given to directors of.

SECTION 9. That the directors of the House of Refuge of western Pennsylvania be, and they are hereby authorized to enter upon and take possession of any portion of the unoccupied part of a lot or piece of ground formerly conveyed by the citizens of Allegheny borough to the Commonwealth, for the use of the Western Penitentiary, and after-

wards by an act dated March eighteenth, eighteen hundred and forty, reverted and restored to its original use, and the portion so entered upon and occupied shall be hereafter fully vested in the House of Refuge of western Pennsylvania: *Provided*, That said entry and occupancy shall be done and had with the approbation and consent of the inspectors of the Western Penitentiary, or a majority thereof.

SECTION 10. That any person who shall consider himself aggrieved under the possession and occupancy aforesaid, may apply for damages to the Court of Quarter Sessions of Allegheny county, under the general road laws of this Commonwealth: *Provided*, That said application for damages is made within three months from the passage of this act.

SECTION 11. That so much of any act or acts as is inconsistent with the two preceding sections be, and the same is hereby repealed.

SECTION 12. That from and after the passage of this act, it shall and may be lawful for the commissioners of Kensington and Richmond, in the county of Philadelphia, respectively, on petition of a majority of the property holders in any two squares on the Gunner's creek or Aramingo canal, to order that the said canal may be dug out to the width of one hundred feet, and to be wharfed as laid down on the plan of said districts; and in case the work be not done and finished within four months from the time of said order, then the said commissioners respectively shall have the same power to do the work themselves, and to lien the property for the cost thereof, as they now have in the case of paving and curbing streets.

SECTION 13. That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of Thomas Beale, of Armstrong county, for damages sustained by him in consequence of the destruction of the boat Delaware at Clark's Ferry, on the Pennsylvania canal, in the spring of one thousand eight hundred and fifty, and report the amount due him, if anything, to the Legislature, and that the said Canal Commissioners shall also report the amount due to the owners of the cargo of said boat for any damages they may have sustained.

SECTION 14. That all that portion of Washington township, Cambria county, included within the following boundaries, be, and the same is hereby erected into an independent school district, to wit: Beginning at Perote saw mill, including the same, thence by Col. Keans and Rough and Ready saw mills; thence by Austin Thompson's and William Russell's farms, including the same; thence across the middle of plane number two; thence to the place of beginning, including the village of Portage.

SECTION 15. That all school taxes assessed upon persons residing in said district shall be collected and paid over to the treasurer of the school fund in Washington township, to be by him kept for the separate use and maintenance of the school district hereby organized.

SECTION 16. That from and after the passage of this act, the trustees, elders, and deacons of the German Reformed congregation in Germantown, in the county of Philadelphia, shall have full power and authority to borrow, by mortgage or otherwise, such sum or sums of money as will enable the aforesaid officers from time to time to pay the debts of said congregation: *Provided*, That nothing herein contained shall be so construed as to enable the officers to borrow money to pay for the services of a clergyman or other officers in said church.

SECTION 17. That so much of the act passed the twenty-first day of

Damages.

Aramingo canal, relative to.

Canal Commissioners authorized to examine claim of Thomas Beale.

Part of Washington township, Cambria county, erected into a separate school district.

School taxes.

German Reformed Church of Germantown authorized to borrow money.

Repeal.

March, Anno Domini, eighteen hundred and thirty-nine, authorizing the borrowing of money, is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one. WM. F. JOHNSTON.

No. 271.

AN ACT

In relation to the Danville and Pottsville Railroad Company.

Preamble.

WHEREAS, By an act passed the second day of April, one thousand eight hundred and fifty, entitled "An Act relative to the payment of interest on the loan made to the Danville and Pottsville Railroad Company, and the sale of the said railroad," the Auditor General was required to obtain forthwith, if possible, the assent in writing of the holders of the loan made to the Danville and Pottsville Railroad Company under the provisions of the act of the eighth day of March, one thousand eight hundred and thirty-four, to the sale of the said railroad and other property, and it was furthermore provided in said act that if the said railroad should be sold for the sum of one hundred and thirty thousand dollars, the faith of the State shall be and remain pledged for the annual payment of the interest on the balance of said loan remaining unpaid, after deducting the nett proceeds of the sale at the rate of five per centum per annum for the remainder of the period mentioned in the said act of the eighth of March, one thousand eight hundred and thirty-four;

And whereas, On the request of the Auditor General, and in compliance with the wish of the Legislature, the holders of the said loan have assented to the said sale; and in default of other bidders the said railroad, its franchises and appurtenances, were purchased for and in behalf of the said loanholders for the sum of one hundred and thirty thousand and fifty dollars, the nett proceeds of which sale were one hundred and twenty-nine thousand six hundred and fifty dollars (the sum of four hundred dollars being deducted by the sheriff from the said nett proceeds for the sheriff's poundage and other expenses of the sale), leaving the sum of one hundred and seventy thousand three hundred and fifty dollars for the payment of interest on which during the remainder of the period mentioned in the said act of the eighth of March, one thousand eight hundred and thirty-four, the faith of the State is pledged; now, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the Auditor General be, and he is hereby directed to ascertain the names of the holders of the said loan made to the Danville and Pottsville Railroad Company under the said act of the eighth day of March, one thousand eight hundred and thirty-four, on the sixteenth day of January last, the date of the sheriff's deed, and that the names of each of the said loanholders or assigns shall be registered on the books of the Auditor General's department, together with the amount of interest payable to each annually; and it shall be the duty of the Auditor General and State Treasurer to issue certificates for the said interest to the person or persons entitled to such certificate, which shall be transferable as certificates of State stock are, and the said interest shall be paid by the State Treasurer at the time and place fixed for the payment of the interest on the loans of the State: *Provided*, That nothing herein contained shall be construed to render the State liable for the payment of the principal sum upon which the interest is directed to be paid as aforesaid.

Auditor General directed to ascertain names of holders of loan, &c., made to the Danville and Pottsville Railroad Company.

SECTION 2. That the corporation constituted by the purchasers of the said railroad, their associates and assigns, be, and they are hereby allowed the period of five years from the passage of this act for the completion of the said railroad with a single track, agreeably to the requisitions of an act passed the second day of April, one thousand eight hundred and fifty, entitled "An Act to amend an act supplementary to an act entitled 'An Act to incorporate the Danville and Pottsville Railroad Company;'" and that all the rights and privileges hitherto granted the said company, including the exemption intended to be conferred on the company in the second section of an act passed the eleventh day of April, one thousand eight hundred and forty-eight, entitled "An Act supplementary to an act entitled 'An Act to incorporate the Danville and Pottsville Railroad Company,'" be, and the same are hereby granted to and confirmed to the said company as soon as the said railroad shall have been so far completed as to comply with the said requisitions, or to connect with any railroad leading to the river Schuylkill not lower than Schuylkill Haven.

Time of completion of said railroad.

SECTION 3. That in assessing the rates of toll and transportation on said railroad, the said company may consider each hundred feet of elevation or descent overcome by an incline plane as equal to a mile of distance, and so in proportion of any fraction of the same.

Rates of toll.

SECTION 4. That the period for the meeting of the purchasers of the said railroad, and their associates in interest or assigns, to elect a board of directors or managers and other officers, and the annual meeting of the stockholders hereafter, shall be on the fourth Monday of April, instead of the day hitherto prescribed at said meeting on the fourth Monday of April next; and at each annual meeting thereafter a board of managers consisting of a president and six directors shall be elected, a majority of whom shall be a quorum, instead of a president and ten managers as prescribed in the original act incorporating the company. And at said meeting on the fourth Monday of April next, it shall be lawful for the purchasers of said road, and their associates in interest or assigns, to change the name and style of said corporation, if they should deem it expedient to do so, for such other name and style as they may deem more advisable or appropriate, in which case a copy of the resolution changing such name and style, certified by the president and treasurer of the company and attested by its seal, shall be forwarded within sixty days of its adoption to the register and recorder of the county of Schuylkill, and a like copy to the register and recorder of the county of Northumberland, for record in their respective offices.

Annual meeting of stockholders.

SECTION 5. That the president and directors of the said company be,

Authorized to
change location
of road, &c.

and they are hereby authorized to change the location of the said railroad, except in the borough of Sunbury, or any portion of the same on which they may deem such change expedient, but not to alter the general route of the same, and to enter upon any lands for the purpose of locating and constructing said railroad, or any branch thereof, or procuring materials for the same: *Provided*, That not more than four rods in width shall be entered upon and occupied for the purposes of said railroad, except in the neighborhood of deep cutting or high embankments, or places selected for sidelings, turn-outs, depots, engine or water stations, in which cases such additional width may be occupied as may be requisite: *Provided*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property, the owner or owners of which are known, without making compensation to the owners of said property, or giving adequate security therefor: *Provided further*, That in all cases where the parties cannot agree on the amount of damages claimed either for land or materials, the company shall tender a bond for an adequate sum with sufficient security to the party claiming the damages, the condition of which shall be that the company shall pay or cause to be paid such amount of damages as the party shall be entitled to receive after the same shall have been agreed on by the parties or assessed by the provisions of the act incorporating the company: *And provided further*, That in case the party or parties claiming damages refuse to accept the bond as tendered by the company, the company shall in every such case present their bond to the Court of Common Pleas of the proper county; and if the court approve of the security, they shall direct the same to be filed for the benefit of those to whom it is given, and an action may be brought on said bond by the person or persons to whom the same is given, their executors, administrators, or assigns, for the amount of the damages assessed, if the same be not paid within ninety days after the same has been assessed as aforesaid and finally determined: *And provided also*, That nothing contained in this or any other law of this Commonwealth, shall be held, taken, or construed to give to the said purchasers or company, or their agents, lessees, or other persons using said railroad, any right or privilege whatsoever to take, possess, hold, or occupy without the full consent of the owner or owners thereof first had and obtained, any part (according to the original boundaries of said lots) of either or any of the lots of ground in the borough of Sunbury lying between Deer street and Broadway.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 272.

A SUPPLEMENT

To the act entitled "An Act to incorporate the York and Cumberland Railroad Company.

WHEREAS, By the eighth section of the act entitled "An Act to incorporate the York and Cumberland Railroad Company," approved April twenty-first, Anno Domini, one thousand eight hundred and forty-six, it is declared that on the completion of the road therein authorized to be made, said company shall pay into the treasury of the Commonwealth, semi-annually, a tax or duty on all tonnage and passengers carried over said road, at such rate as the Legislature may thereafter direct, not exceeding certain limits therein expressed; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the York and Cumberland Railroad Company to collect and pay into the State Treasury for the use of the Commonwealth, under the provisions of the eighth section of the act incorporating said company to which this is supplementary, a tax of three mills per ton per mile on all tonage passing over the entire extent of said railroad: *Provided however,* That coal, lumber, gypsum, firewood, iron ore, and iron, and all agricultural products, the growth of Pennsylvania, shall be exempt from said taxation. And in lieu thereof it shall be the duty of the said York and Cumberland Railroad Company to collect and pay into the State Treasury, in the manner aforesaid, a tax of ten cents on all passengers passing over the whole length of said railroad: *Provided,* Nothing herein contained shall be so construed as to impair the right of taxation reserved by the charter.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 273.

AN ACT

To incorporate the Sons of Temperance Hall Association of Rawlinsville in Lancaster county, supplementary to an act incorporating the borough of Marietta, in Lancaster county, relative to the pay of certain judges in East Donegal township, to a title of a certain school house and lot of ground in Drumore township, relative to vacating part of an alley in the city of Lancaster, and for the relief of Jacob F. Herr.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Rawlings, Hugh O'Neil, Mathias M'Comsey, Henry Hart, Benjamin Wilson, Samuel M'Elhaney, T. C. Kirkwood, Elias Hamilton, Tilghman Thompson, and Elias Ressler, or any seven of them and their successors, and all persons who are now or may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Sons of Temperance Hall Association of Rawlinsville," in Lancaster county, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity or elsewhere, and shall be able and capable in law and equity to take and hold of them and their successors, either by gift, grant, devise, or lease, any lands or real estate for the use of the said association, and also to take and hold for the use of the said association any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise, or bequest from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of three thousand dollars: *And provided also*, That the certificates of stock and certificates of loan that may be issued by the persons and for the purposes hereinbefore mentioned, shall be assumed by the said "The Sons of Temperance Hall Association of Rawlinsville," in Lancaster county, who shall pay the interest that may thereafter become due on the same, and redeem the same whenever they shall respectively become due and payable—the liability of the said association for the payment of the said interest and the redemption of the said certificates to be the same as if they had been issued by the said association in virtue of law: *And provided also*, That from and immediately after the purchase or gift of any lot or piece of ground whereon the said hall or other buildings appertaining to the same may be erected, the title to the same shall be vested in the Sons of Temperance Hall Association of Rawlinsville, in Lancaster county, as fully, to all intents and purposes, as the same is held by the person herein before mentioned.

Corporators.

Style.

Privileges.

Annual meeting
of stockholders.

SECTION 2. That the stockholders shall meet annually on the last Saturday in December of each year, and choose by ballot five trustees

who shall serve until their successors are elected; a majority of the whole number of votes polled shall constitute a choice. And in the event of a failure to elect any of the said trustees at any regular election or in case there shall be a vacancy or vacancies in the board of trustees growing out of any cause whatever, such action shall be taken as the said association shall by its by-laws provide at the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary, and treasurer, and such other officers as the business of the corporation may require: *Provided*, That the trustees and officers now managing the affairs of the said Sons of Temperance Hall Association shall continue as trustees and officers of the corporation hereby created till the regular election shall be held as before provided.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter, and renew as they may think proper, and shall have and exercise all the rights, privileges, and immunities, necessary for the purposes of the corporation hereby constituted and as herein expressed. Seal.

SECTION 4. That the government of the said association and the management and disposition of its affairs and property, shall be vested in the said board of trustees. Trustees.

SECTION 5. That the corporation shall have power and authority to make by-laws conformable to this charter and not inconsistent with the laws of the United States or of this Commonwealth. By-laws.

SECTION 6. That the Legislature hereby reserves the right to alter, revoke, or annul the charter of the said Sons of Temperance Hall Association of Rawlinsville, in Lancaster county, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof. Reservation.

SECTION 7. That all citizens of the borough of Marietta, in the county of Lancaster, entitled to vote for members of the general assembly, having resided in the borough one year, and paid borough tax within the year, shall on the stated day provided by law for the election of borough officers have power to elect one citizen of said borough as judge, two as inspectors, and two as clerks, to conduct the elections of said borough officers, and that they shall receive one dollar per day for their services in holding said elections; and that so much of the act to which this is a supplement as is inconsistent with this act, be, and the same is hereby repealed. Elections in the borough of Marietta, relative to.

SECTION 8. That so much of the forty-sixth section of the "Act regulating election districts in East Donegal township, in the county of Lancaster," passed March seventh, A. D., one thousand eight hundred and forty-six, shall be so construed as to authorize the payment to the judges of the tenth and seventeenth election districts for their services in attending at the village of Maytown, as provided in said section, the same compensation out of the county treasury as is now allowed by law to the judges of township elections for one day's service. East Donegal township, Lancaster county, pay of judges for holding elections in.

SECTION 9. That the title to certain school house and lot of land in the township of Drumore and county of Lancaster, conveyed by Philip Housekeeper and wife unto Robert Clark, his heirs and assigns, in trust nevertheless for the only proper use of Philip Housekeeper, William Richie, Robert Shippen, and others, their heirs and assigns forever, to and for the use and purpose of building a school house on said lot or piece of land, to be forever hereafter appropriated for the education of youth in the several branches of literature, and to be appropriated to no other use or uses, purpose or purposes whatever; the above lot or Title to a certain school house vested in the school directors of Drumore township, Lancaster county.

piece of land described in the indenture (bearing date fifteenth October, one thousand eight hundred and fourteen, and recorded in the recorder's office of Lancaster county, in record book number eight, at page three hundred and thirty-seven), as follows: "A certain lot or piece of land containing twenty-two and a-half perches, adjoining the village of Chesnut Level, in the township of Drumore aforesaid, be, and the same is hereby vested in fee simple in the board of directors of common schools in Drumore township, Lancaster county, and their successors for ever, to be held by the said directors and their successors for the uses and purposes specified in this indenture, and with power to sell or dispose of the same: *Provided however*, That in case the said directors should hereafter dispose of said property, the proceeds arising therefrom shall be appropriated to the purpose of common schools.

Lancaster city,
relative to a cer-
tain alley in.

SECTION 10. That the fourteen-feet wide alley laid out and never opened, extending from Charlotte street to another fourteen feet alley between Chestnut and Walnut streets, in the city of Lancaster, shall be, and the same is hereby vacated.

Preamble.

Whereas, Jacob F. Herr, who is engaged in the forwarding business on the Columbia and Philadelphia railroad, did, on the fifth day of November last, sustain serious loss of property by reason of the breaking of the rope at the inclined plane near Philadelphia;

And whereas, A committee was appointed by authority of the superintendent of the road to appraise and assess the damages sustained by J. F. Herr, and reported the same at four hundred dollars; therefore,

Jacob F. Herr,
for relief of.

SECTION 11. That the State Treasurer be, and he is hereby authorized and required to pay to Jacob F. Herr, of Lancaster county, or his legal representative, the sum of four hundred dollars, out of any money in the treasury not otherwise appropriated.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 274.

AN ACT

To locate a street in Brookville, in Jefferson county, and to incorporate the Cochranville Hall Association of Chester county, dividing the township and borough of Chester, and relative to the mode of voting in Upper Chichester township, Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Edmond English, William Erdice, and Robert Means, of the borough of Brookville, Jefferson county, be, and they are hereby appointed commissioners to view and lay out a public street from Market street in said borough (on the ground of the proposed street called White), thence south by the best ground to intersect the Punxsatawney road south of said borough.

SECTION 2. That it shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a proper officer to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said street may pass, and lay out the same on the best ground to the width of fifty feet.

SECTION 3. That it shall be the duty of said commissioners plainly and distinctly to mark the ground agreed upon for the said street in such a manner as to enable the street commissioners readily to find the same. Said commissioners respectively shall receive a per diem allowance not exceeding one dollar each for every day necessarily expended in the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 4. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said street respectively, noting thereon the courses and distances as they occur, also the crossing of Red Bank creek, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the clerk of the court of the said county on or before the first day of September next, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said street shall be to all intents and purposes a public highway, and shall be opened to the breadth of fifty feet, and repaired in all respects as the other streets of the said borough.

SECTION 5. That the accounts of said commissioners for their pay shall be made out and returned to the town council of said borough according to the time spent in locating said street, and that they be paid out of the borough treasury on warrants drawn the usual way.

SECTION 6. That the said commissioners shall meet on or before the first Monday of July next, or as soon thereafter as practicable, and complete the view of said street, and if any vacancy occur the Court of Quarter Sessions of the county shall supply by the appointment of suitable persons who shall do and perform said duty.

SECTION 7. That Henry Burt, William Welch, R. L. McClellan, John Gilfillan, H. A. Hesson, George Dale, Joseph Gilmor, John Henniss, David Bicking, James Reese, A. J. Gibson, John R. Doan, John B. Snead, Alfred Hamilton, William Fahnestock, and Jacob Gillbough, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Cochranville Hall Association," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity or elsewhere, and shall be able and capable in law and in equity to take and hold to them and their successors, either by grant, gift, devise, lease, or otherwise, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of the said association any goods and chattels, sum or sums of money by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said association, and generally to do all and singular the

matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said association: *Provided*, That the real estate of which said corporation shall be at any time possessed shall not exceed the clear yearly value of one thousand dollars.

Object. SECTION 8. That the object of said corporation shall be to provide, erect, and furnish a hall and suitable buildings in the village of Cochranville and county of Chester, for the accommodation of the members of "Orders" of Odd Fellows, Sons of Temperance, and other private societies that may be established in said village to hold their meetings in.

Seal. SECTION 9. That it shall and may be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Board of trustees. SECTION 10. That the government of the said hall association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually at such times and in such manner as the said association shall by its by-laws provide; the officers of the association shall be a president, secretary, and treasurer, who shall be elected at the annual meetings by the stockholders, except the secretary who shall be elected by the board of trustees at the annual meetings. All the officers shall be trustees.

By-laws. SECTION 11. That the corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the Constitution of this Commonwealth or of the United States.

Reservation. SECTION 12. That the Legislature hereby reserves the right to alter, revoke, or annul the charter of the said Cochranville Hall Association, of the village of Cochranville, Chester county, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

Chester township, Delaware county, erected. SECTION 13. That that part of the township of Chester, in the county of Delaware, not included within the limits of the borough of Chester (which has heretofore formed a part of said township), shall be hereafter a separate and new township, school, and election district, to be called Chester township, for all township, school and election (*district to be called Chester township, for all township, school and election*) purposes; and the place of holding the general township elections shall be at the school house at Upland, on the premises of John P. Crozer in said township.

First election. SECTION 14. That the first election for township officers and school directors in said new township of Chester shall be held on the third Friday of April next; and that Edward Engle is hereby appointed judge, and Robert Johnson and William Weaver are hereby appointed inspectors, to hold said township elections, with power and it shall be their duty to swear one another and two clerks, which they or a majority of them shall select, and hold said first election in accordance to law; and the township elections thereafter shall be held on the third Friday of March in each and every year.

Borough of Chester erected into a separate school district. SECTION 15. That the said borough of Chester shall hereafter be a separate district for all election, school, and township purposes; and the qualified electors thereof shall hold their general and all other elections at the new court house in said borough, under the provisions of the

several acts of Assembly of this Commonwealth relating to general and township elections: *Provided*, That the first election shall be held on the third Monday in April next, and conducted by the same officers and in the same manner as are provided by law for the election of borough officers in said borough. The annual elections thereafter shall be held at the time provided by law for holding the election of borough officers for said borough.

SECTION 16. That at the first election, and annually thereafter, there shall be elected an assessor, and also a judge and two inspectors, to conduct the general and all other elections in said borough; and at such times as are provided by law said electors shall elect assistant assessors and justices of the peace. Election of assessor.

SECTION 17. That at the said first election there shall be elected six school directors, two to serve for one year, two to serve for two years, and two to serve for three years, and annually thereafter two school directors to serve for three years. Election of school directors.

SECTION 18. That all the powers and duties of township supervisors over the public roads and highways within said borough are hereby given to and conferred upon the town council of said borough; and it shall hereafter be lawful for said town council to do and perform all the duties of supervisors of townships within said borough; and the said town council shall be liable to all the penalties provided by law for the punishments of supervisors for neglect of duty; and the said town council shall have power and authority to direct and authorize the commissioner or commissioners of said borough to open and repair the public roads and highways within said borough under the direction and control of said town council. Powers and duties of supervisors.

SECTION 19. That all laws and any provisions in the charter of said borough hereby altered or supplied, are hereby repealed. Repeal.

SECTION 20. That the provisions of an act entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene, and Erie," approved February twenty-seventh, one thousand eight hundred and forty-nine, be, and the same hereby are extended to the township of Lower Chichester, in the county of Delaware. Provisions of certain act relative to voting at elections extended to Lower Chichester township, Delaware county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 275.

A N A C T

In relation to the election of a supervisor in Lack township, Juniata county, to certain election districts, to the Hempfield Railroad Company, and relative to township officers in Branch and Cass townships, Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter, the qualified voters of Watts township, in Perry county, shall hold their special and general elections at the school house known by the name of "Steel's School House," in said township.

Watts township,
Perry county,
place of holding
elections in.

Election of su-
pervisor in Lack
township, Juni-
ata county.

SECTION 2. That all those parts of Tuscarora and Lack townships, in the county of Juniata, north-westerly of the Summit of the Shade mountain, shall from and after the passage of this act be a separate district for road purposes, and the taxable inhabitants of said district shall annually hereafter, at their Spring elections, elect one of the taxable inhabitants of said district to be supervisor of the roads of said district.

Duties of said
supervisors.

SECTION 3. That the supervisor of said district shall levy and collect road taxes in and for said district, and keep the roads therein in repair, according to the provisions of the general road laws of this Commonwealth.

Wm. McIntyre
to act as super-
visor.

SECTION 4. That William M'Intyre shall be supervisor of said district from the passage of this act until the next annual Spring election, and the road taxes assessed for the present year upon the inhabitants of said township, residing in said district, shall be collected by the said William M'Intyre, and expended by him on the roads of said district.

Borough of
Punxsatawney,
Jefferson coun-
ty, constituted a
separate elec-
tion district.

SECTION 5. That from and after the passage of this act, the borough of Punxsatawney, in the county of Jefferson, shall be and constitute a separate election district, and the qualified voters of said borough shall hold their general and borough elections at the usual place of holding the election, viz., at the house owned by James St. Clair, in said borough, and William Brooks is hereby appointed judge, and Isaac Keck and Samuel B. Hughes inspectors, to hold the first general election, and thenceforth all officers to be elected as now provided by law.

Eldred town-
ship, Jefferson
county.

SECTION 6. That from and after the passage of this act, the qualified voters of Eldred township, in the county of Jefferson, shall hold their general and township elections at the house of Edward Hutchison, in said township.

Hempfield Rail-
road Company,
relative to cer-
tain subscrip-
tions to.

SECTION 7. That at the next or some subsequent general election, as may be determined by the president and directors of the Hempfield Railroad Company, it shall be lawful for the qualified voters of Washington county to decide by ballot whether or not the commissioners of said county shall subscribe on its behalf four thousand shares in the capital stock of the said company; and it shall be the duty of the inspectors and judges of the several townships, boroughs, and districts in said county at the said election, to receive from the citizens qualified to vote for members of the General Assembly tickets, written or printed, labelled on the outside "subscription of stock," and in the inside "for

the subscription of stock" or "against the subscription of stock," and to deposit said tickets in a box to be provided for that purpose, as is now required by law in the case of tickets for officers to be elected at such election; and at the close of said election the votes so deposited shall be counted, and an accurate return made to the clerk of the Court of Quarter Sessions of said county within three days thereafter.

SECTION 8. That the said election shall be conducted in all respects as is now provided by law in the case of general elections, and all the penalties of said laws are hereby extended to the voters, judges, inspectors, and clerks voting at and attending upon the election to be held under the foregoing section. Manner of conducting elections.

SECTION 9. That it shall be the duty of the clerk of the Court of Quarter Sessions to lay the returns of said election before the judges of the said court at the term succeeding such election, and the said judges shall thereupon examine the same and declare the result of the vote, and they shall also make out and file a certificate of such result in the office of said clerk; and if it shall be ascertained by the said judges that a majority of votes has been given "for subscription of stock," it shall be their duty to make an order that the commissioners of said county of Washington shall in her name and behalf subscribe four thousand shares in the capital stock of the said Hempfield Railroad Company. Returns.

SECTION 10. That the commissioners of the said county may borrow money to pay the said subscription, and may execute bonds or promissory notes in the name of said county for the principal and interest of the money so borrowed as in other cases of loans to corporations, and the said bonds or promissory notes shall be transferred only on the books to be provided and kept by the said commissioners for that purpose; and the bonds or promissory notes so to be executed, bearing an interest of six per centum, payable half-yearly, may be received as cash by the said Hempfield Railroad Company in payment of the instalments on shares subscribed for said county. Commissioners of said county, powers of.

SECTION 11. That the said Hempfield Railroad Company is hereby authorized to construct branches with a single or double track from any point or points on the main line of said railroad, in the counties of Washington and Allegheny, to such other point or points in said counties as the president and directors of said company shall deem expedient or necessary; and in regard to such branches the said company shall have and possess all the rights, powers, franchises, and privileges, and be subject to all the liabilities provided by the act incorporating the same, so far as the same is applicable. Said company authorized to construct branches.

SECTION 12. That the said company shall have the power to borrow money on the credit of the corporation, not exceeding its authorized or increased capital stock, at a rate of interest not exceeding six per cent. per annum, and may execute bonds or promissory notes therefor, and to secure payments thereof may pledge the property and income of said company. Company authorized to borrow money.

SECTION 13. That when the Hempfield Railroad Company cannot agree with the owner or owners of any lands or materials for the compensation proper for the damages done or likely to be done to or sustained by any such owner or owners of such lands or materials which said company may enter upon, use, or take away in pursuance of the authority given them by the act incorporating said company, or by reason of the absence or legal incapacity of any such owner or owners, no compensation can be agreed upon, the Court of Common Pleas of the proper county, on application thereto by petition, either by said company or owner or owners, any one in behalf of either shall appoint Damages how adjusted.

three disinterested persons not being residents of any of the counties through which said railroad shall pass, and shall fix a time not less than twenty or more than thirty days thereafter for such viewers to meet on the premises where the damages are alleged to be sustained, of which time and place ten days' notice shall be given to said viewers by the party petitioning, and to the other party; and the said viewers having been first sworn or affirmed by some power competent to administer oaths, faithfully, justly, and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to enquire in pursuance of the provisions of this act; and having viewed the premises they shall estimate and determine the quantity, quality, and value of said lands so taken or occupied, or to be taken or occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to and making just allowances for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands or materials in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after making a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, if any, what amount of damages has been sustained or may be sustained, and to whom payable, and make report thereof to the court, and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in cases of debt for the sum so awarded, and the costs and expenses shall be defrayed by said railroad company, and the said viewers shall be entitled to two dollars per day while engaged in said business, and one of said viewers shall have power to adjourn from day to day, and a majority of the viewers so appointed shall have power to view and assess damages, and report as fully and with like effect as if all were present; and a penalty of two dollars, to be recovered before a justice of the peace as debts of like amount are recoverable by the person suing for the same, shall be imposed upon any viewer who shall neglect or refuse to attend after appointment and due notice of the time and place of meeting, unless unavoidably prevented: *Provided*, That nothing herein contained shall authorize said company to enter upon and take any lands or other property without making or tendering adequate compensation therefor to the owners thereof: *And provided*, That if a majority of the judges of the Court of Common Pleas aforesaid shall be interested in said railroad as officers, stockholders, contractors, or otherwise, then the said viewers shall be appointed and selected by the sheriff and commissioners of the proper county in like manner and with like effect as if appointed by the court: *Provided further*, That if the proper officer of said company at any time before application made by either party of the appointment as aforesaid shall tender to the owner of land or materials a sum of money in full compensation for his damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner shall be awarded a larger sum than the previous tender of said company.

Exception to re-
port of viewers.

SECTION 14. That either party may except to the report of viewers aforesaid within twenty days after the same is filed, which exceptions shall be heard by the Court of Common Pleas of the proper county, which shall affirm or set aside the report as to them shall seem lawful and right; and in case they decide to set aside the report, the same viewers shall be again appointed as before provided in regard to the original application: *Provided*, That if upon the subsequent proceed-

ings an award is not made more favorable to the party making the exceptions, such party shall pay all the costs accruing upon the same.

SECTION 15. That the tax on tonnage and passengers carried or passing over said railroad, shall be the same per mile as is now or may hereafter be imposed upon the Pennsylvania Railroad Company. Tax on tonnage.

SECTION 16. That so much of the act to incorporate the Hempfield Railroad Company as is hereby altered or supplied is repealed. Repeal.

SECTION 17. That from and after the passage of this act, no supervisor, auditor, or other township officer of the townships of Branch and Cass, in the county of Schuylkill, shall in any manner, directly or indirectly, be concerned or interested in lettings or bids for making roads, bridges, &c., or keeping the same in order in said townships, or either of them, under the penalty of five hundred dollars, to be recovered as other like debts or penalties are recovered, one half of which to enure to the informer and the balance to the Commonwealth, and all such contracts to be null and void; and that all payments hereafter be made for such contract or contracts for making or keeping in good order roads and bridges in said townships shall be in proportion to the work done and not in advance of any work, and that for all lettings or contracts at least one week's notice as directed in the second section of the act to which this is a supplement shall be given. Branch and Cass townships, Schuylkill county, relative to township officers in.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 276.

AN ACT

To incorporate the Odd Fellows' Hall Association of the township of Kingsessing, in the county of Philadelphia, relative to certain streets in Philadelphia county, and to Upper and Lower Germantown, and relative to a toll house on the Ridge turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Sharp, Isaac Leech, junior, Thomas D. Serrill, David Egee, Robert K. Smith, William A. Engle, George G. Knowles, and David Bird, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body corporate and politic in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of the Township of Kingsessing and County of Philadelphia," and by that Corporators.
Style.

Privileges.

name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity; and to take and hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well-being and due management of the said association: *Provided*, That the real estate of which the said incorporation shall be at any one time possessed, shall not exceed the clear yearly value of three thousand dollars.

Commissioners.

SECTION 2. That the persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned; that is to say, they or such of them as shall act in the premises, being not less than five, shall as soon as conveniently may be and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate in the township of Kingessing, of which time and place at least fourteen days' previous public notice shall be given in one or more newspapers published in the city of Philadelphia, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows' Hall Association of the Township of Kingessing and County of Philadelphia, the sum of five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the trustees of said association. Witness our hands and seals the day of

Form of subscription.

Anno Domini, one thousand eight hundred and fifty-one;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves or by committees to be by them appointed, shall attend for the purpose of opening the books to receive subscriptions for stock; and the said books shall be kept open at least eight hours on such day at the time and place designated in the public notices to be given as aforesaid. And in case six hundred shares of stock, it being the capital stock to be issued by said association, be not all sold on the day of the first opening of the book, the number remaining unsold may afterwards be disposed of at such time and place and under such regulations as the trustees for the time being may order: *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same shall at the time of subscribing pay to the said commissioners or to committees by them appointed, one dollar in each and every share for the use of the association.

Organization.

SECTION 3. That said commissioners, or at least five of them, acting in the premises as aforesaid, shall as soon as conveniently may be after three hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least fourteen days' previous public notice in one or more newspapers of the city of Philadelphia aforesaid; and the subscribers when met shall by ballot elect by a majority of the voters present three trustees, residents of said township, and citizens of said county, to conduct and manage the affairs and business of said association until the first Friday of January of the next following year, and until others are chosen; and shall annually thereafter, at such time and

place as the by-laws of said association shall provide, elect three trustees as aforesaid, and the three commissioners first named shall be the judges of the election of said trustees, and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such elections shall be given in such manner as the by-laws shall provide.

SECTION 4. That the object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the township of Kingessing, for the accommodation of the Lodge of the Independent Order of Odd Fellows established there, for other beneficial societies, and suitable also for a room to be used for a town library or other public purposes. Object.

SECTION 5. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted, and as herein expressed. Seal.

SECTION 6. That the trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed, to conduct and execute the business and affairs of said association, to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of said association, to give bond with security for the faithful paying over to the treasurer such funds of said association as may come into their hands, such bond and security to be approved of by a majority of the members present at any regular meeting of said association; and generally to pass such by-laws as shall be necessary to the exercise of their duties aforesaid as trustees of said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the Constitution and laws of this Commonwealth or of the United States. Trustees, powers of.

SECTION 7. That it shall be the duty of the trustees at least once in every year, to wit, on the first Friday of January thereof, to appoint from the members of said association three competent persons as a committee of examination, whose duty it shall be to examine the financial and other affairs of said association, and to make report thereof on the second Friday of said month to the trustees, whose duty it shall be to lay the same before the association at its next stated meeting ensuing. It shall also be the duty of the trustees on the third Fridays of January and July in each and every year, to make and declare a dividend of the interest and profits of said association after paying its expenses, and the same to pay over to the stockholders or legal representatives within thirty days thereafter: *Provided*, That the dividend so paid shall in no case exceed six per cent. per annum to said stockholders. Duties.

SECTION 8. That it shall be the duty of the trustees on the third Fridays of January and July in each year after paying the dividends provided for in the foregoing section, and after having appropriated so much of the funds as in their discretion will be necessary for defraying the ordinary expenses of the association for the ensuing six months, to apply all the remaining funds to a pro rata cancellation of the shares of stock then in the hands of the stockholders, said remaining funds to be considered as a semi-annual sinking fund for the redemption of said shares of capital stock. Dividends.

SECTION 9. The Legislature hereby reserves the right to alter or amend the charter hereby granted, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. Reservation.

Jury authorized
to be drawn to
assess damages
in opening of
Dauphin street.

SECTION 10. That the Court of Quarter Sessions of the county of Philadelphia shall within two months from and after the passage of this act, have a jury drawn to assess the damages, if any, which may be sustained by the owners of property by the opening of Dauphin street from Broad street to the Ridge road, which damages in this case shall be assessed at a rate not exceeding the assessed value of the property so taken for public use; and said street when opened shall be maintained and kept in repair as other streets and highways in said county, and no law inconsistent herewith shall be construed to apply to Dauphin street named herein: *Provided*, That the county of Philadelphia shall not be liable for any damages sustained by the opening of said street.

Delaware avenue.

SECTION 11. That the new streets or parts of streets laid out and represented on a plan of part of the districts of the Northern Liberties, entitled plan of Delaware avenue from Vine street to Cohocksink creek, in the district of the Northern Liberties, and filed in the office of the clerk of the Court of Quarter Sessions of the county of Philadelphia on the twenty-second day of October, Anno Domini, one thousand eight hundred and fifty, shall be forever deemed and judged and taken to be public highways, and shall be opened in the same manner as is provided for the opening of said Delaware avenue, and the survey and regulation of the height of the streets represented on said plan, and the width of the footways thereof, shall be and remain unalterable.

Wood street.

SECTION 12. That the commissioners of the district of Kensington, in the county of Philadelphia, are hereby authorized and empowered to change the location of Wood street, and if deemed expedient, to increase the width of said street from Queen street to the Delaware avenue; and said Wood street shall be opened as is now provided by law in the case of other streets in said county.

Provisions of
certain act ex-
tended to Ger-
mantown.

SECTION 13. That it shall be lawful for the town council of the borough of Germantown, in the county of Philadelphia, by a vote of a majority of the members of said council, to substitute the provisions of "An Act regulating boroughs," approved the third day of April, Anno Domini, one thousand eight hundred and fifty-one, in lieu of existing laws regulating said borough.

Upper Ward,
Germantown,
place of holding
elections in.

SECTION 14. That the qualified voters of Upper Ward, Germantown, in the county of Philadelphia, shall hereafter hold their general and spring elections at the Eagle hotel owned by Jacob Peters, at Chestnut Hill, in said Upper Ward.

Ridge Turnpike
Company, rela-
tive to.

SECTION 15. Whereas, the Ridge Turnpike Company are about to sell and convey one of their toll-houses in the county of Montgomery, and to remove the toll-gate thereunto attached, but a part of the office attached to the said toll-house extends over the line of the Ridge turnpike road—that it shall and may be lawful for the Ridge turnpike company to convey and make title to the said toll-house as it now stands, without either they or the purchaser being obliged to remove the same, any law to the contrary notwithstanding: *Provided*, That if the said house shall hereafter be altered or pulled down, it shall not be repaired or rebuilt, so as to extend over any part of the line of the said Ridge turnpike road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 277.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Erie and Wattsburg Plank Road Company, and to incorporate the Waterford and Union Plank Road Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Erie and Wattsburg Plank Road Company be, and the same is hereby authorized to use and occupy for the purpose of laying plank thereon, so much of the public highway known as the Erie and Wattsburg road, and so much of any other road between the termini in their charter as the said company may consider necessary for the proper location of their road: *Provided,* That no street in the borough of Erie shall be occupied by the said company until the consent of the authorities thereof is first had: *And provided,* That if the said company lay their plank upon Parade or any other street or lane in the town of Erie, or through the out-lots thereof, the plank shall be so laid as to allow free passage upon the said street or lane upon each side thereof, and no toll-gate shall be put up within the limits of the town of Erie.

Additional powers granted to the Erie and Wattsburg Plank Road Company.

SECTION 2. That Thomas B. Vincent, William Judson, Joseph L. Cook, John Stranahan, Robert Smiley, Charles Drake, R. H. Brown, W. O. Black, Alexander Moore, John Marvin, Samuel Hutchins, and A. H. Gray, or a majority of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Waterford and Union Plank Road Company," with power to construct a plank road from Waterford to Union Village, in Erie county, and to connect with any plank roads which may be located at or near said borough of Waterford.

Commissioners.
Style.
Location.

SECTION 3. That the capital stock of said company shall consist of six hundred shares, at twenty-five dollars per share: *Provided,* Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Capital stock.

SECTION 4. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within seven years thereafter, the sections of this act incorporating the Waterford and Union Plank Road Company shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

Commencement and completion of road.

SECTION 5. That the said plank road company shall be subject to all the provisions (so far as they are not inconsistent with the foregoing sections of this act) of the act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January,

Subject to provisions of certain act.

one thousand eight hundred and forty-nine, and the several supplements thereto.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 278.

A SUPPLEMENT

To an act entitled “An Act to erect the town of Minersville, in Schuylkill county, into a borough,” approved the ninth day of April, one thousand eight hundred and forty-nine.

Limits of the
borough of
Minersville ex-
tended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the limits of the borough of Minersville, in the county of Schuylkill, be extended; and that from and after the passage of this act, the boundary line of said borough shall be as follows: Beginning forty perches eastwardly from the north-west White Oak Corner of lands now or late the property of the Delaware Coal Company on the northern line of said lands in Cass township; thence through lands of said Delaware Coal Company and lands now or late of Bollock & Company south thirty-two degrees, east or parallel with the original line of said borough two hundred and thirty-nine perches; thence through lands of said Bollock & Company to lands now or late of the Miners' Bank, and a tract of land known as the Dreibelbies tract, south sixty degrees, west two hundred and thirty-nine perches; thence through said Dreibelbies tract and lands now or late of Robert M. Lewis and Lawrence Lewis, and lands of Joseph Jeans, north thirty-two degrees, west two hundred and thirty-nine perches; thence through lands of said Joseph Jeans and along the division line between the said Delaware Coal Company's lands and a tract of land known as the Oak Hill tract, north sixty degrees, east two hundred and thirty-nine perches, to the place of beginning.

Quorum.

SECTION 2. That from and after the passage of this act, five members of the town council of the said borough shall form a quorum.

Who entitled to
vote in said bor-
ough.

SECTION 3. That the inhabitants of said borough entitled to vote for members of the General Assembly, and who shall have resided within the said borough for six months immediately preceding any election for borough officers, and shall have paid a county or borough tax within one year immediately preceding such election, shall be qualified voters entitled to vote at any of said elections.

SECTION 4. That so much of the first, second, and eighth sections of the act to which this is a supplement, as is altered or supplied by this act, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 279.

AN ACT

Requiring the Court of Common Pleas of Indiana county to take off the confirmation in a certain case of lunacy, and declaring certain creeks in Indiana county public highways, and relative to the elections of supervisors in White township, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Court of Common Pleas of Indiana county be, and it is hereby authorized and required to take off the confirmation of the inquisition found in the case of the Commonwealth vs. John Taylor, of Blacklick township, in Indiana county, by which inquisition the said John Taylor was found a lunatic, and to allow the said John Taylor to traverse the said finding, and proceed to trial thereon with like force and effect, and to all intents and purposes the same, as if said finding of the said inquisition had not been confirmed by said court.

Confirmation of a certain inquisition in a certain case of lunacy in Indiana county authorized to be taken off.

SECTION 2. That Blacklick creek, in the county of Indiana, from its mouth or junction with the Conemaugh river up to the mouth of Two-lick creek, and Twolick creek from its mouth up said creek to the junction of the north branch of said creek, be, and the same are hereby declared a public highway; and it shall and may be lawful for any person or persons desirous of using or improving said streams, to remove all obstructions, natural or artificial, in said streams, except mill or other dams erected for the purpose of using the water in said streams; and it shall be lawful for the supervisors of highways in each township through which said streams do pass, so far as they are hereby declared public highways by this act, to expend a portion of the road tax of said townships in improving said streams; and it shall be the duty of any owner or owners of any dam or dams now erected or that may hereafter be erected across said streams, so far as they are hereby declared public highways, to fix or construct to each and every dam or dams aforesaid a sufficient schute or slope, so as to admit of a free passage of all boats, rafts, and other crafts descending said streams: *Provided,* Such slopes

Blacklick creek, Indiana county, declared a public highway.

or schutes can be so constructed as not to injure the use of said dams. All other laws heretofore declaring said streams public highways as are inconsistent with this act, be, and are hereby repealed.

White township, SECTION 3. That from and after the passage of this act, it shall be
Indiana county, lawful for the qualified voters of White township, in the county of Indi-
election of su- ana, at the time and place of electing supervisors for said township, to
pervisors in. elect annually four persons to serve as supervisors in said township; and
John B. Allison and Abraham Moore are hereby appointed additional
supervisors to serve in said township for the year one thousand eight
hundred and fifty-one.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 280.

AN ACT

To incorporate the Dunks' Ferry and Buck Turnpike or Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That
Commissioners. John Vandegrift, Jacob Hummell, C. S. Vandegrift, Joseph Paxon,
Thomas Hallowell, Alfred Vandegrift, Simeon V. Fenton, Benjamin
Vanzant, Jesse Tomlinson, Joseph Lennig, John Vanzant, Thomas F.
Gordon, Noah Shull, William Gibson, J. Bickley, James Thornton,
Dr. King, be, and they are hereby appointed commissioners to open
Style. books, receive subscriptions, and organize a company, by the name,
style, and title, of "The Dunks' Ferry and Buck Turnpike or Plank
Road Company," with power to construct a plank or turnpike road from
Location. Dunks' ferry in the county of Bucks, by the nearest and best route or
routes as the stockholders or directors may determine upon, subject to
all the provisions and restrictions of "An Act regulating turnpike and
Subject to pro- plank road companies," passed the twenty-sixth day of January, one
visions of cer- thousand eight hundred and forty-nine, except that portion of the
tain act. thirteenth section of said act relating to tolls which discriminate in
favor of wheels of the breath of four inches and upwards. And the com-
pany hereby incorporated shall have power to regulate their tolls within
the limits prescribed by the said thirteenth section, without reference
to the width of wheels in any case.

Capital stock. SECTION 2 That the capital stock of said company shall consist of
one thousand shares at twenty-five dollars per share: *Provided,* That
said company may from time to time by a vote of the stockholders at a

meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this act, and complete the same within seven years thereafter, this act shall be null and void except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 281.

A N A C T

Authorizing the Governor to incorporate the Youngsville and Sugar Grove Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Chauncey Smith, William Siggins, A. C. Blodget, John M'Kinny, Carter V. Kinneas, Alexander Siggins, and H. P. Kinneas, of Youngsville, and Alonzo Patch, Alvah Evens, N. B. Langdon, James Gray, and Green Clark, of Sugar Grove, in Warren county, be, and they are appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Youngsville and Sugar Grove Plank Road Company," with power to construct a plank road from Youngsville to Sugar Grove, in the county of Warren, by the way of Patches, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto. Commissioners.
Style.
Location.
Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two hundred and fifty shares, at fifty dollars each. Capital stock.

SECTION 3. That if said company shall not commence the construction of their road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and Commencement and completion of road.

void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 282.

AN ACT

To authorize the Governor to incorporate the Prompton and Cherry Ridge Turnpike Road Company, and relative to Foreign Insurance Companies.

Commissioners.

Form of sub-
scription.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Lucius Collins, George G. Waller, Charles Cox, and John H. Schenk, of Wayne county, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of January next, procure two books or more, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Prompton and Cherry Ridge Turnpike Road Company the sum of twenty dollars for each share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of General Assembly of this Commonwealth entitled 'An Act to authorize the Governor to incorporate the Prompton and Cherry Ridge Turnpike Road Company.' Witness our hands the day of , Anno Domini, one thousand eight hundred and fifty-one;" and thereupon shall give notice in one or more of the public papers printed nearest the route of the said road, for twenty days at least, for the time and place when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and place one of the said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in said book in their own names, or in the names of any other persons who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have eighty shares therein subscribed; and if at the expiration of the said six days the said books shall not have the said number of eighty shares therein subscribed, the commissioners respectively may adjourn from time to time, and

transfer the said books from place to place until the whole number of shares shall be subscribed for; which adjournment and transfer the commissioners aforesaid shall give public notice as the occasion may require; and when the whole number of shares subscribed shall amount to eighty, the same shall be closed: *Provided always*, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid to the treasurer of the company as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

SECTION 2. That when ten or more persons shall have subscribed forty shares of said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the Governor of this Commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of State, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe, the number aforesaid into one body politic and corporate in deed and in law, by the name, style, and title, of "The President and Managers of the Prompton and Cherry Ridge Turnpike Road Company," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock and the increase and profits, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, their successors and assigns, and of selling, transferring, and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other thing which a corporation or body politic may lawfully do. Letters patent.

SECTION 3. That the commissioners aforesaid as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one public paper printed nearest the route of said road of the time and place by them appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, four managers, one treasurer, one secretary, and such other officers as may be necessary to conduct the said business of said company for one year, and until such other officers be chosen, and shall and may make such by-laws rules, orders, and regulations not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as shall be necessary for the well-ordering of said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever the number of shares he may be entitled to; and that each person shall be entitled to one vote for every share held by him under that number. Organization.

SECTION 4. That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists, and chain-bearers, to enter in and upon all and every the lands, tenements, and enclosures in, Enter upon lands, &c.

through, and over which the said intended turnpike road may be thought proper to pass, to examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark, and fix such route or track for the said road as in the best of their judgment will combine shortness of distance with the most practicable ground, and generally they shall have like powers, authorities, and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, and restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits in proportion to the distance as are given and granted to the president, managers, and company of the Coshocton and Great Bend Turnpike Road Company in and by an act of Assembly of this Commonwealth, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and four; and the said Prompton and Cherry Ridge turnpike shall commence in the borough of Prompton at or near the public house of Charles Cox, on the Canaan and Honesdale turnpike road, and run thence by the nearest and best route to the Milford and Owego turnpike road at or near Collins' mills, in Cherry Ridge, and thence by the nearest and most practicable route to the Cherry Ridge and East Stirling Turnpike Road and the Pennsylvania Coal Company's railroad at or near Darling's mills in Cherry Ridge: *Provided*, That whenever the president and managers shall sue for and recover the penalty and penalties prescribed by the law against any person or persons evading or attempting to evade the payment of tolls on the said road, they shall also recover the costs of suit: *Provided further*, That no part of this act shall authorize the taking of any property by the said company unless the same be previously paid for, or adequate security given for the payment thereof.

Width of road.

SECTION 5. That the president and managers of said road shall make or cause the same to be made not more than fifty and not less than forty feet in width; and at least eighteen feet thereof shall be made an artificial road in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road which shall, where the original location is level or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched so as to carry off the water and keep the road in its foundation firm and dry; and it shall be constructed of firm and substantial materials composed of wood and gravel, and stones, slate, sand, or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation and smooth and firm surface, and a well-made permanent highway and so nearly level that it shall in no place where practicable rise or fall more than will form an angle of five degrees with a horizontal; and the said president and managers shall erect permanent bridges with sufficient abutments and piers over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair: *Provided*, That if in the opinion of the said president and managers any part of the ground on the route of the said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate, or any other hard substance, the said president and managers are hereby authorized to construct such parts of the said road without any such covering, and shall keep the said road in perfect order and repair.

Commencement and completion of road.

SECTION 6. That if the said company shall not proceed to carry on the said works within five years after the passage of this act, or shall not within ten years thereafter complete the same according to the true intent and meaning of this act, then or in either of these cases all and

singular the rights and liberties, privileges and franchises, hereby granted, shall revert to the Commonwealth.

SECTION 7. That the election of president, treasurer, secretary, and managers of said company, shall be held annually on the first Monday of January. Annual election.

SECTION 8. That said company are hereby authorized to erect a gate when they shall have completed the said according to law, from the Cherry Ridge and East Stirling turnpike road at or near Darling's mills, to the Milford and Owego turnpike road at or near Collin's mills in Cherry Ridge, or when they shall have completed the said road from the borough of Prompton to the said Milford and Owego turnpike road as aforesaid. Gates.

SECTION 9. That hereafter, it shall be the duty of every insurance company or association not incorporated by this Commonwealth, but which has established an agency or agencies within the State, to publish on or before the second Monday of January next, and in every year thereafter at least three times per week for at least two consecutive weeks in a newspaper published in the city or county in which such agency may be located, a full statement of the condition and affairs of such company in the manner and form that domestic insurance companies are now required by law to make publication of their investments and condition. Foreign insurance companies, duties of.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 283.

A N A C T

To incorporate the Allentown Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* David E. Wilson, Henry King, Christian Fretz, and Samuel Lewis, of the county of Lehigh, and Joseph Cabot, Nalbro Frazier, Benjamin W. Frazier, and Charles Cabot, of the city of Philadelphia, and such other persons as shall associate with them and their successors, be, and they are hereby erected into a body politic and corporate for the purpose of of manufacturing iron in Lehigh county under the name and style of "The Allentown Iron Company," with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each. Corporators. Style.

Directors.

SECTION 2. That the affairs of said company shall be managed by seven directors, one of whom shall be president and a majority have power to act—which said directors shall be chosen from the stockholders—the first election to be held within sixty days after this act shall take effect, of which election public notice shall be given at least two weeks previously thereto in two or more newspapers in the county of Lehigh, and one or more in the city of Philadelphia; and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which previous notice shall in like manner be given: *Provided*, That in case of failure to hold an election under this act, the former directors shall continue in office until their successors be duly elected, which must be within six months from the time of such failure.

Election of directors.

SECTION 3. That the election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held in the following ratio, viz.: For each share not exceeding two shares one vote, for every two shares above two and not exceeding fifty shares one vote, for every four shares above fifty and not exceeding one hundred one vote, and for every six shares above one hundred one vote. No share shall confer the right of voting while any instalment thereon is due and unpaid, nor which shall have been transferred within three months from the day of election, nor unless bona fide held by the person in whose name it appears in his own right or that of his wife, or as executor, administrator, trustee, or guardian; and all votes by proxy shall be on the terms and conditions prescribed by the several acts of Assembly regulating proxies.

Votes.

Seal.

SECTION 4. That this corporation shall have authority to hold and use a common seal with such device and inscription as they shall deem proper, and the same to break, alter, and renew at pleasure; and by the name of the Allentown Iron Company shall be capable in law to sue and be sued, plead and be impleaded, in any court before any judge or justice in all manner of suits, and all and every matter to do in as full effect as any other person or persons bodies corporate within the Commonwealth, and is authorized and empowered to make by-laws and rules, and do everything needful for the good government of the affairs of the said corporation: *Provided*, That the said by-laws and rules be not repugnant to the Constitution and laws of the United States or of this State.

Privileges.

Forfeiture of stock.

SECTION 5. That the said corporation shall not at any time contract debts exceeding three times the amount of the capital stock paid in, and the stockholders shall be individually liable for the amount of capital stock by them respectively subscribed and not paid in, and shall forfeit the stock to the company if an instalment called for be not paid within sixty days after notice that it is due shall have been served on them.

May hold lands.

SECTION 6. That the said company shall be able and capable in law to take, receive, and hold in fee simple, or to lease lands and tenements, and may sell, lease, mortgage or dispose of their interest in the same, as they may deem expedient: *Provided*, The said lands shall not exceed in quantity five hundred acres at any one time, and shall lie within the counties of Lehigh and Northampton.

Object.

SECTION 7. That the said company shall use and employ their moneys and property in making and manufacturing iron, and transporting and vending the same, and in acquiring and using such necessary materials and conveniences as they may find advantageous; but they shall not exercise any banking privileges, nor do anything which may not be necessary and proper to the business.

SECTION 8. That the said company shall annually on or soon after the first day of January in each and every year, make a return attested by the oaths of the president or secretary of the amount of stock paid in, the number of acres of land owned by the company, the number of furnaces and works used by them, and the quantity of iron made within the current year, which return shall be sent to the Secretary of this Commonwealth, who shall report the same to the Legislature. Annual return to be sent to the Secretary of the Commonwealth.

SECTION 9. That dividends of so much of the profits as the directors may think advisable shall be declared soon after the settlement of the books, on the first day of January every year, and be paid to the stockholders or their legal representatives at any time on demand after the expiration of twenty days from such declaration, but the dividends shall in no case exceed the amount of nett profits actually acquired by the company, as exhibited by the books and accounts; and if the directors shall make a dividend of more than the nett profits, as shown by the books of the company, the directors consenting thereto shall be liable to the company in their individual capacity for the excess so divided and paid. Dividends.

SECTION 10. That the stock of said corporation shall be transferable agreeably to the by-laws adopted by the company, but no stock shall be transferred on which an instalment may be due and unpaid, unless with the consent of the directors. Stock transfer-able.

SECTION 11. That any land or property or materials for making iron which may be received in payment for subscriptions to stock, shall be taken at a valuation approved by the board of directors or by a majority of the stockholders. And this act shall not go into effect until two hundred thousand dollars shall have been subscribed, and at least one-half be paid in, of which notice verified by oath shall be given to the Governor. When this act to take effect.

SECTION 12. That the said company shall be required to pay to the State Treasurer for the use of the Commonwealth, a tax of one per centum upon the capital stock, to be paid in four annual payments; the first to be paid on the first Monday of July next, and the remaining instalments at intervals of twelve months each. Tax.

SECTION 13. That this charter shall continue in force for the term of twenty years from the date of its approval, and no longer, unless extended by an act of the Legislature; and the Legislature reserves the right to amend, alter, or repeal it any time, in such manner, however, as shall not do injustice to the company, nor to any individual thereof. Term of this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 284.

AN ACT

To incorporate the Union School and Children's Home Asylum, to provide for the taxation of non-resident venders of merchandize in the city and county of Philadelphia, and for the relief of Edward Hutchinson.

SECTION 2. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* there shall be, and hereby is established in the city or county of Philadelphia, an asylum by the name and style of "The Union School and Children's Home," the object and design of which institution shall be to afford a home, food, clothing, and schooling for destitute orphan children, and for such poor children as may be neglected or deserted by their parents.

Object.

Corporators.

Style.

Privileges.

SECTION 2. That the trustees of the said asylum shall for the time being, and until others shall be appointed in the manner hereinafter provided, consist of the following persons, to wit: William D. Kelley, Joel Jones, John Farnum, John W. Claghorn, John C. Peehin, J. Fisher Leaming, William R. Hanson, Horatio C. Wood, Martin Thayer, Rene Gillou, and their associates, at present managers of said institution heretofore known as the "Moyamensing Union School and Children's Home;" which said trustees and their successors shall be, and are hereby declared to be a body politic and corporate, by the name and style of "The Trustees of the Union School and Children's Home," and by the same name they shall have perpetual succession, and shall be capable in law to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and equity to take and to hold to them and their successors, for the use of said asylum, lands, tenements, hereditaments, goods, chattels, rights, interests, and effects of any kind, nature, or quality whatsoever, by gift, grant, bargain, sale, conveyance, assurance, will, testament, devise, or bequest, from any person or persons capable of making the same, and the same from time to time to grant, bargain, sell, demise, alien, lease, and dispose of, for the use of the said asylum, and they shall have power to purchase or erect such building or buildings as may be necessary for the purposes of said institution, and power also to do all and singular the things necessary, proper, and lawful to be done for the well-being of the said institution, and the due management and well-ordering of the affairs thereof: *Provided*, That the clear yearly income of the lands and tenements to be taken and holden as aforesaid shall not exceed the sum of five thousand dollars.

Seal.

SECTION 3. That the said trustees and their successors shall have power and authority to make and use a common seal, and to alter and change the same at their pleasure.

Annual meeting of trustees.

SECTION 4. That the said trustees shall hold their first meeting on the first Tuesday of May next in the city of Philadelphia, at such place and hour as they or a majority of them shall designate; and they or their successors shall meet annually in October in each succeeding year, at such time and place as by their by-laws they shall appoint; they

shall have power at the meetings so to be holden in connexion with the life-members of this institution, to elect trustees in the place of those who may be removed by death, resign, cease to act, or otherwise relinquish the said trust

SECTION 5. That the said trustees and their successors shall have power to make all by-laws necessary or proper for the government of their own proceedings, and for the management of the said institution : *Provided*, The same be not inconsistent with the Constitution and laws of this Commonwealth. Also to appoint a president, treasurer, secretary, and such other officers as the convenient management of the affairs of the said corporation may require. By-laws.

SECTION 6. That the said trustees and their successors shall have power also to meet from time to time, whenever and so often as the interests of said asylum may require, in such manner and according to such regulations as they may by their by-laws direct, and they shall have power at any meeting convened as aforesaid to appoint such teachers, managers, visitors, and care-takers as may be necessary or proper for the instruction, control, and care of the children received into the said asylum, and to attain in the best manner the objects of the same, and to do all such other business as the proper management of the funds and the general interests and concerns of said corporation may require. Appointment of teachers, &c.

SECTION 7. That the said trustees shall have power to receive and to retain under their control all such poor children under the age of thirteen years as may be brought to the said asylum for the purpose of being received into the same by the father of such children, if he be living, or if he be dead, by the mother of the said children, also all such orphan children and all such other children as may be neglected or deserted by their parents or their surviving parent, which shall be brought to them for the purpose aforesaid, subject nevertheless in these last-mentioned cases to the approval of a judge of a Court of Record for the city and county aforesaid ; and the said children when so received, to detain, maintain, educate, and control until proper persons can be found who may be willing to receive them as apprentices to some useful art, trade, calling, or employment ; and thereupon the said trustees, or a committee of their board appointed for that purpose, shall have power with the assent of any alderman, justice of the peace, or judge of a Court of Record of the said city or county, to bind by indenture the said children, or any of them, as apprentices as aforesaid, in the case of males until the age of twenty-one years, and in the case of females until the age of eighteen years, stipulating and agreeing nevertheless on behalf of the child in every such indenture, that the master or mistress shall provide meat, medicine, clothing, lodging, instruction, and all other things necessary, usual, or proper for the comfort and support of the child so to be bound, and for his or her well-being and advancement in life ; which indentures so made shall be of full force and effect for all and singular the purposes therein specified as aforesaid. Power to receive and retain poor children, &c.

SECTION 8. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest to the said corporation : *Provided*, It shall sufficiently appear by the will, gift, grant, or other writing, that the party making the same intended to give or pass thereby to the said corporation the interest or estate therein expressed or described. Misnomer.

SECTION 9. That from and after the first day of May next, it shall not be lawful for any person or persons to sell within the city or county of Philadelphia by sample, card, or other specimen, any goods or merchan- Sale by sample, card, or other specimen of

goods, &c., in the city and county of Philadelphia in certain cases prohibited.

dize of any kind or description whatsoever, for or on account of any merchant, manufacturer, or other persons not having his principal place of business within this State, and to whom a license has not been granted under the laws of this Commonwealth; and if any person shall sell or exhibit for sale, either by sample, card, or otherwise, in the city or county of Philadelphia, any goods or merchandize in violation of the provisions of this act, such person or persons so offending shall be liable to a fine of three hundred dollars for every such offence, which may be recovered by a suit in the name of the Commonwealth before any alderman or justice of the peace of the city or county of Philadelphia, one-half to the use of the informer, who shall be a competent witness in such case, and the other half to be paid to the treasurer of the city of Philadelphia for the use of the Commonwealth.

License to sell by sample, &c., authorized to be granted.

SECTION 10. That a license to sell goods and merchandize within the county of Philadelphia by sample, card, or otherwise, shall be granted by the treasurer of the city of Philadelphia to any person who may not have his principal place of business within this State, on payment to the said treasurer for the use of the State three hundred dollars; but no license so granted shall authorize such person to vend goods or merchandize in the manner aforesaid for a longer period than one year from the day on which it may be issued.

Canal Commissioners authorized to examine claim of Edward Hutchinson.

SECTION 11. That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of Edward Hutchinson, former lock-keeper on the Juniata division of the Pennsylvania canal, for compensation for the services of an assistant lock-keeper at locks numbers thirty-four and thirty-five on the Juniata division of said canal, and to certify the amount of money, if any, coming to said Edward Hutchinson for such services to the Auditor General, who shall draw his warrant on the State Treasurer for the amount: *Provided*, The claims so allowed shall not exceed seventy-two dollars.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 285.

AN ACT

To incorporate the Towanda and Athens Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. C. L. Ward, William Elwell, John C. Adams, John F. Means, Joseph

D. Montanye, William Deipuich, George Gore, George Kinney, D. F. Barnstow, and Edward Herrick, of Bradford county, or any five of them, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Towanda and Athens Plank Road Company," with power to construct a plank road from Towanda borough, in Bradford county, to the New York State line, near the Waverly station on the New York and Erie Railroad, with the right to connect with the Athens Plank Road Company in the borough or township of Athens, in said county, and to construct a lateral branch in said borough of Athens to the bridge over the Chemung river in said borough, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting so far as may be hereinafter provided for.

SECTION 2. That the capital stock of said company shall consist of four hundred and fifty shares, of fifty dollars per share: *Provided*, That the said company may from time to time increase the same under and by virtue of the authority contained in the aforesaid general act.

SECTION 3. That the said president and directors shall have power and authority to contract with any bridge company controlling the same for the use of any of the bridges across the said river, and by themselves or their superintendents, engineers, artists, and workmen to enter in and upon, and occupy all land on which the said plank road or its depots and warehouses may be located, or which may be necessary for the erection of weight and scales, or any other purpose necessary or useful in the construction and repairs of said plank road, and therein to dig, embank, make, and construct the same; also, to locate and construct said road or portions thereof on the public highways, especially that portion known as the narrows in Wysox and Sheshequin townships: *Provided*, That said company shall first make compensation to the owner or owners of ground, and materials and property so taken and occupied as aforesaid, or give adequate security therefor. But if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint three suitable, judicious, and disinterested persons of the county of Bradford, who shall be under oath or affirmation, and if they cannot agree upon such persons, then either of the parties, after giving twenty days' notice to the other, may apply to a judge of the Court of Common Pleas of Bradford county, and the said judge shall appoint three judicious, disinterested men of said county, in order to ascertain and report to the Court of Common Pleas what damages, if any, have been sustained by the owner or owners of the said ground by reason of the construction of said plank road through the same, which said appraisers being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by said plank road and all other inconveniences which may be likely to result therefrom to the said lands; and in view of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of the said land from the opening of the said plank road through the same, to make their assessment and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in the case of non-payment for the sum awarded, and the costs and expenses incurred by the said appraisers shall be defrayed by said plank road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the

said county of Bradford, in the same manner as appeals are allowed in other cases: *Provided however*, That in all cases where an appeal is taken by either party, the company may immediately upon such appeal being taken as aforesaid, enter upon, occupy, take, and carry away any ground, material, or property necessary for the use and construction of the aforesaid plank road: *And provided also*, That if any person or persons owning land or any other property which shall be affected by this act be feme coverts under age, or non compos mentis, or out of the State, then in either of those cases the president and directors of the company, and at the costs and charges of said corporation, shall within one year after the construction of the plank road through said land represent the same to the Court of Common Pleas of the aforesaid county, who shall proceed thereon in the same manner and to the same effect as is directed by this act in other cases: *And provided*, The consent be had of a majority of the commissioners of the townships in which said road shall be located on the public highway, or the consent in writing of two-thirds of the owners of land through which the public highway passes.

Said plank road
not to impede
cross roads.

SECTION 5. That the said plank road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same; and in all cases where the said plank road may cross or in any manner interfere with an existing public road, canal, or slack-water navigation, the said company shall make or cause to be made as soon as conveniently may be, a good and sufficient causeway or causeways to enable all persons safely to pass over or travel such public roads; and if the said company shall neglect or refuse to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisor of the township, with costs for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Causeways.

SECTION 6. That for the accommodation of all persons owning or possessing lands through which the said plank road may pass, it shall be the duty of said company to make or cause to be made a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry as occasion may require; and the said causeway or causeways when made shall be maintained and kept in good repair by said company, and if the said company shall neglect or refuse on request to make such causeway or causeways, or when made to keep them in good order, the said company shall be liable to pay to any person aggrieved thereby all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof. *Provided*, That the said company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land for the accommodation of any one person owning or possessing land through which the said plank road may pass; and where any public road may or shall cross said plank road the company shall not be required to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use so as to be made to accommodate a public road laid out subsequent to the passage of this act, then in such case the company shall be forever thereafter exonerated from the duty of keeping said bridge or causeway in good repair.

SECTION 7. That no suit or action shall be prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed or the cause of action accrued; and the defendants in any such suit or action may plead the general issue and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECTION 8. That in all suits or actions brought against said company, the service of process on any director, toll-gatherer, or other officer of the company, shall be good and available in law as if made on the president thereof.

Service of process.

SECTION 9. That any person who shall wilfully injure, break, or throw down any gate which shall have been erected on said road pursuant to the provisions of this act, or dig up or wilfully injure or spoil any part of such road or anything thereunto belonging, or forcibly or fraudulently pass any such gate without the payment of the legal toll, or shall with his team, carriage, sleigh, sled, or other vehicle or animal, turn out of said road and pass any gate thereon on ground adjacent thereto and again enter on such road, he shall for every such offence forfeit to the corporation hereby created the sum of ten dollars in addition to the damage from his wrongful act, which penalty may be recovered by the said corporation in an action of debt in any court having cognizance thereof, and a separate suit for such damages may in like manner be prosecuted and maintained by such corporation.

Penalty for injuries to company's works.

SECTION 10. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent any obstruction on the line of said plank road so as to endanger or jeopard the lives of persons travelling on the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction to be imprisoned for a term of not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any appropriate remedy at law in such cases.

Punishment for obstructions.

SECTION 11. That if the president, directors and company shall not proceed to carry on said work within three years from the passage of this act, and shall not complete the same within five years as aforesaid, according to the true intent and meaning of this act; or if after the completion of the said road the said company shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

Commencement and completion of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 286.

AN ACT

For the relief of Rebecca Fre, Margaret Baird, and Jane Linn, widows of soldiers of the Revolutionary and Indian wars.

Margaret Baird
and Jane Linn,
for relief of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the State Treasurer be, and is hereby authorized and required to pay to Rebecca Fre, of Fayette county, Margaret Baird, of Washington county, and Jane Linn, of Union county, all of Pennsylvania, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty-one.

Catharine Snyder,
for relief of.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required to pay to Catharine Snyder, of York county, widow of John G. Snyder, an old soldier of the Revolutionary war, or her order, the sum of forty dollars as a gratuity, payable upon the passage of this act.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 287.

AN ACT

Incorporating the Waterford and Marvin's Mills Plank Road Company, relative to the Erie Canal Company, and to authorize Christ Church and St. Peter's Church in the city of Philadelphia, to sell and dispose of a portion of their estate.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Marvin, Daniel Vincent, William Benson, William C. Smith, Amos Judson, Flavel Boyd, P. E. Judson, Joseph L. Cook, B. W. Vansise, Simcon Hunt, John Curtis, John Vincent, William McLallen, Lewis M.

St. Johns, and William P. Biggers, of Erie county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Waterford and Marvin's Mills Plank Road Company," with power to construct a plank road from Waterford, in Erie county, to connect with or intersect the Meadville and Edenboro' plank road at or near Marvin's mills, in Crawford county, to be located on any part or parts of the common road between the two points aforesaid, if deemed expedient by the directors.

SECTION 2. That the capital stock of said company shall consist of five hundred shares, at twenty-five dollars per share: *Provided*, Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within seven years thereafter, the preceding sections thereof shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

SECTION 4. That the said plank road company shall be subject to all the provisions (so far as they are not inconsistent with the foregoing sections of this act) of the act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto: *Provided*, That the said company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the thirteenth section of said act without reference to the width of the wheels in any case.

SECTION 5. That the time fixed for the construction of a bridge across the Shenango Pool by the second section of an act entitled "An Act for defraying the expenses of the Freeport aqueduct, and for other purposes," passed the twenty-sixth day of April, one thousand eight hundred and fifty, be, and the same is hereby extended to the first day of October, Anno Domini, one thousand eight hundred and fifty-two, and that the fourth section of an act entitled "A Supplement to an act to authorize the Governor to incorporate the Erie Canal Company," passed the twenty-fourth day of January, one thousand eight hundred and forty-nine, be, and the same is hereby repealed.

SECTION 6. That the Rector, Church Wardens, and Vestrymen of Christ's Church, in the city of Philadelphia, be, and they are hereby authorized, by and with the consent of the Rector, Church Wardens, and Vestrymen of St. Peter's Church, in the city of Philadelphia, testified and given under their corporate seal from time to time, to sell and convey in fee simple, upon payment of a sum or sums of money, or reserving a perpetual rent charge, subject to extinguishment on payment of a certain sum of money, any part or parts or the whole of a certain lot of ground situate in the city of Philadelphia, on the east side of Schuylkill Fourth street, bounded westward by the said Schuylkill Fourth street, northward by the south side of Spruce street, eastward by Schuylkill Fifth street, and southward with the north side of Pine street, in the said city, with the appurtenances, and to convey to the purchaser or purchasers as good and valid an estate in the premises as the said "The Rector, Church Wardens, and Vestrymen of

Christ's Church, in the city of Philadelphia," were seised of and entitled unto both at law and in equity at the time of said conveyance, freed and discharged from all the trusts under the will of Dr. John Kearsley, and the codicils thereto, and under a certain deed dated September eighth, A. D., one thousand seven hundred and eighty-nine, recorded in the office of Recorder of Deeds for the city and county of Philadelphia in deed book number twenty-four, page seventy-three, from Joseph Dobbins, of Charleston, South Carolina, to the Rector, Church Wardens, and Vestrymen of the United Episcopal churches of Christ Church and St. Peter's, their successors and assigns, and under a certain other deed from John Connelly, and others, inspectors of the prison of the city of Philadelphia, dated the thirtieth day of May, A. D., one thousand eight hundred and eight, and recorded in deed book E F, number thirty, page two hundred and twenty-seven, &c., but subject in case of reservation of rent as aforesaid to the rents, covenants, and stipulations in such ground rent deeds. And the said "The Rector, Church Wardens, and Vestrymen of Christ Church, in the city of Philadelphia," and their successors, shall have power by and with the consent of "The Rector, Church Wardens, and Vestrymen of St. Peter's Church, in the city of Philadelphia," given and testified in manner aforesaid, to receive the payment according to such conveyance, and thereupon to release and extinguish the said rent and rents, and also to sell and convey the said rent and rents in fee simple; and no purchaser either of the land or of the rent or rents shall be bound to see to the application of the said money, whether paid in purchase or in extinguishment as aforesaid: *Provided*, That the proceeds of sale of the said land and of the said rent and rents, and the money paid in extinguishment thereof, shall be held by the said "The Rector, Church Wardens, and Vestrymen of Christ Church, in the city of Philadelphia," and their successors in the trust, upon the same trust as the premises conveyed were held at the time of the conveyance.

Further powers. SECTION 7. That the said "The Rector, Church Wardens, and Vestrymen of Christ Church, in the city of Philadelphia," by and with the consent of the said "The Rector, Church Wardens, and Vestrymen of St. Peter's Church, in the city of Philadelphia," given and testified in manner aforesaid, be, and they are hereby authorized to sell and convey in fee simple all and any ground rent or rents now forming part of the property of Christ Church Hospital, and to convey the same to the purchaser and purchasers freed and discharged from all trusts under the said will of Dr. John Hearsley; and the said purchaser and purchasers shall not be bound to see to the application of the purchase money, but the proceeds of sale of said rent and rents shall be held by the said "The Rector, Church Wardens, and Vestrymen of Christ Church, in the city of Philadelphia," upon the same trusts that the said rent and rents were held before and at the time of said sale and conveyance.

Further provisions. SECTION 8. That it shall be lawful for the said "The Rector, Church Wardens, and Vestrymen of Christ Church, in the city of Philadelphia," and their successors, by and with the consent of "The Rector, Church Wardens, and Vestrymen of St. Peter's Church, in the city of Philadelphia" and their successors, given and testified in manner aforesaid, to apply such and so much of the proceeds of sale of the said lot and of the rents which may be reserved thereout as they may deem expedient, to the purchase of land and the erection of suitable buildings thereon for carrying into as full and ample effect as practicable, under the same control as at present, the charitable uses

prescribed by the said will and codicils of Dr. John Kearsley, and the aforesaid deeds of Joseph Dobbins and John Connelly, and others.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one

WM. F. JOHNSTON.

No. 288.

AN ACT

Relative to certain drains in Berks county, and relative to a lock-up house and supervisor in the borough of Womelsdorf, and relative to township lines and turnpike gates in the county of Berks.

WHEREAS, It has been represented to the Legislature that large quantities of water are from time to time accumulating (so as to form a pond covering a large area) upon lands of James N. Hunter, in the township of Oley, in the county of Berks, that said pond is believed to be the source of sickness, occasioned by the noxious vapors arising therefrom, and that it is impracticable to drain said pond except by constructing a culvert extending across the public road passing by said pond, and by digging trenches upon the lands contiguous to said road; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the township of Oley, in the county of Berks, be, and they are hereby authorized and enjoined to construct a public drain for the purpose of carrying off the stagnant waters collecting in a pond upon lands of James N. Hunter in the said township.

SECTION 2. That for the purpose aforesaid, the said supervisors shall have power to build a culvert across the public road passing along said pond, and to enter upon lands lying contiguous to said road, and dig trenches in, along, and across the same, in such manner as shall do the least injury to private property; which said culvert and trenches it shall be the duty of the supervisors aforesaid to keep in repair and cleanse at the costs and charges of the said township.

SECTION 3. That the owners of any lands through which said drain shall be constructed as aforesaid, may within one year from the completion of the same apply by petition to the Court of Quarter Sessions of the said county setting forth the injuries which he or she may have sustained thereby, and thereupon the court shall appoint six disinterested persons to view the premises, and assess the damages (if any)

which such petitioner may have sustained, who shall make report in writing to the next Court of Quarter Sessions, and if the report be approved by the court, shall be paid by the said township of Oley to the party entitled thereto: *Provided*, That in assessing the damages as aforesaid, the viewers shall take into consideration the advantages derived from such drain passing through the land of the complainant.

Election of supervisors in the borough of Womelsdorf, Berks county.

SECTION 4. That from and after the passage of this act, the supervisor for the borough of Womelsdorf, in the county of Berks, shall at the annual Spring election be elected by the electors of the said borough in the same manner as the constables is now elected, and that so much of the act incorporating the said borough of Womelsdorf as is by this act altered, be, and the same is hereby repealed.

Lock-up house authorized to be erected for said borough.

SECTION 5. That the burgess and town council of the borough of Womelsdorf, in the county of Berks, be, and they are hereby authorized and empowered to have built, or otherwise provided or supported in said borough at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by a justice of the peace of said borough or the said burgess of said borough, for any violation of the laws of this Commonwealth or of the ordinance or ordinances of the borough aforesaid for which such persons could be lawfully committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him or them for a legal examination.

Expenses of committing, &c.

SECTION 6. That the expenses of committing and keeping any person in said house or place on a charge of any indictable offence, shall be paid by the said county of Berks; and for all offences against the ordinances of said borough, the expenses thereof shall be borne by the said borough of Womelsdorf.

Township lines in Berks county, relative to.

SECTION 7. That whenever application by petition shall be made to the Court of Quarter Sessions of Berks county for the purpose of ascertaining and establishing the lines or boundaries of any township, and where such application has been made and is now pending, the three impartial men appointed by said court upon any such application, together with all other charges and expenses, shall be paid by said county of Berks, and so much of any law as is hereby altered be, and the same is hereby repealed.

Turnpike gates in Berks county.

SECTION 8. That hereafter, it shall not be lawful for any turnpike company incorporated by this Commonwealth to erect a toll-gate within one mile of the city of Reading; which said mile shall commence at the boundary line dividing said city from the adjoining townships.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 289.

AN ACT

To incorporate the Protection Mutual Fire Insurance Company of Littlestown,
in the county of Adams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph A. Shorb, Enoch Lefever, Jacob Sterner, Samuel Diller, Joseph L. Shorb, John Spangler, George Bashoar, and all other persons who may hereafter associate with them in manner hereinafter prescribed, shall be a body politic and corporate, by the name of "The Protection Mutual Fire Insurance Company of Littlestown," and by that name shall have perpetual succession, and may sue and be sued, and hold, purchase, receive, and convey real and personal estate (with the limitations hereinafter specified), and may have and use a common seal, and alter or change the same at pleasure, and make by-laws not inconsistent with any existing law for the management of its property and the regulation of its affairs; but nothing herein contained shall be construed to give unto the said corporation any banking powers or privileges.

Commissioners.

Style.

Privileges.

SECTION 2. That in addition to the general powers and privileges of a corporation as the same are declared by the foregoing section, the corporation hereby erected shall have power to insure against losses by fire upon any house, tenement, barn, manufactory, store, warehouse, or any other building, and on goods, wares, merchandize and effects, hay grain, and other agricultural products contained therein, and upon buildings generally, and to make, execute, and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case may require: *Provided*, That no policy of insurance shall be granted by said company upon any house, tenement, or upon any other property upon which policies of insurance may issue under this act, when the same is beyond the limit of six miles from the said town of Littlestown.

Further powers.

SECTION 3. That the real estate which it shall be lawful for said corporation to purchase, receive, hold, and convey, shall be such as is necessary for the immediate transaction of its business, or which shall be conveyed to it in payment of debts due the company.

SECTION 4. That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they are insured and no longer.

SECTION 5. That the affairs of said company shall be managed by a board of directors consisting of seven members, to be elected and to serve as hereinafter provided; which board shall elect from its own number one person as president and one person as treasurer and secretary of the board, of whom they shall require such security as they may provide by their by-laws, and may employ such other officers as

Organization.

are necessary for the transactions of the business of the company, and shall also determine the rates of insurance, and sums to be insured. A majority of said board shall constitute a quorum to do business.

Elections.

SECTION 6. That the members of the company shall, on fifteen days' notice in one newspaper published nearest to Littletown, meet at the house of Joseph Barker, in said town, or at such a place thereafter designated by a majority of the voters present at any stated meeting on the first Saturday in May in each year, for the purpose of holding an election for directors; and such election shall be directed by the by-laws of said corporation, each member being entitled to one vote, and in case of death, removal, or resignation of any of the board of directors, the board shall have power to fill such vacancy until the ensuing election.

Persons becoming members to deposit fifty cents, &c.

SECTION 7. That every person who shall become a member of this company by effecting insurance therein, shall before he receives his policy deposit with the treasurer the sum of fifty cents for every thousand dollars worth of property he shall have insured, and so in proportion for a less or greater sum, and twenty-five cents for the policy for the purpose of defraying such incidental charges as shall be necessary for transacting the business of said company; and it shall be lawful for said company to loan such portion of the said money on hand as may not be immediately wanted for the purposes of said company in such manner as a majority of the board of directors shall designate.

Expenses.

SECTION 8. That every member of said company shall be bound to pay for losses and such necessary expenses aforesaid accruing in said company in proportion to the amount of property insured by him or her.

Losses, how paid.

SECTION 9. That the directors, after ascertaining the amount of loss or damage by fire sustained by any of its members in such manner as they by their by-laws may prescribe, shall settle and determine the amount paid by each member as his or her respective share of such loss or damage, and the members shall pay the same to the treasurer of the company within thirty days after being notified thereof; on neglect or refusal to pay the same assessed on him or her as a portion of any loss as aforesaid, said company may sue for and recover the said amount with costs of suit.

Suits.

SECTION 10. That suits at law may be prosecuted and maintained by any member against the said company for losses and damages by fire, if payment be withheld or refusal for more than three months after the company are notified of such losses. No member of the company not being in his individual capacity a party to the suit or suits shall be incompetent as a witness on account of his being a member of the company.

Detail of finances.

SECTION 11. That it shall be the duty of the treasurer of the said company at the annual meeting provided for in the sixth section, to exhibit in detail the condition of the finances of said company, and the names of the person or persons to whom the funds of the company have been loaned, and it shall also be the duty of the said treasurer and secretary of the company at the annual meeting aforesaid, or whenever a majority of the board of directors shall require it, to produce all such books and papers as appertain to the business of the company.

First board of directors.

SECTION 12. That the persons named in the first section of this act shall constitute the first board of directors of said company until the first Saturday of May, one thousand eight hundred and fifty-one, or until others are elected in their stead.

SECTION 13. That the Legislature may at any time alter, modify, *Reservation.*
or amend its provisions, in such manner, however, as to do no injustice
to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand
eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 290.

AN ACT.

To incorporate the Odd Fellows' Hall Association of York county.

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That
George Blasser, Henry Latimer, E. S. Beck, Robert Richey, A. H. *Corporators.*
Brown, Joseph Holland, John S. Kauffelt, Adam Klinefelter, Cornelius
S. Beck, Joshua M. Low, Frederick Stover, Jesse Klinefelter, Christian
Leib, Archibald Hyson, and Dr. William A. Albaugh, and their suc-
cessors, and all persons who now are or hereafter may be associated with
them, be, and they are hereby created and erected into a body politic
and corporate in deed and in law, by the name, style, and title, of "The
Odd Fellows' Hall Association of York County," and by that name *Style.*
shall have perpetual succession, and be able to sue and be sued, plead
and be impleaded, in any court of law or equity, and to take and hold
to them and their successors, either by grant, gift, *Privileges.* devise, or lease, any
lands or real estate for the purpose of erecting thereon a suitable build-
ing or buildings for the use of said association; and also to take and
hold for the use of said association any goods or chattels, sum or sums
of money, by gift, grant, bargain, sales, will, devise, or bequest, from
any person or persons whatsoever capable of making the same, and the
same at their pleasure to grant, bargain, and sell for the use of said
corporation, and generally to do all and singular the matters and things
which it shall be lawful for them to do for the well-being and due
management of the said corporation: *Provided,* That the real estate of
which the said incorporation shall be at any one time possessed shall
not exceed the clear yearly value of three thousand dollars.

SECTION 2. That the persons hereinbefore named are hereby ap-
pointed commissioners to do and perform the several acts and things

hereinafter mentioned; that is to say, they or any five of them shall as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate in the borough of Shrewsbury, of which time and place at least fourteen days' previous public notice shall be given in one or more newspapers published in York county, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows' Hall Association of York County, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the trustees of said association. Witness our hands and seals the day of Anno Domini, one thousand eight hundred and fifty-one;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners, or any three of them, shall attend for the purpose of opening the books to receive subscriptions for stock; and the said books shall be kept open at least six hours on such day at the time and place designated; and in case three hundred shares of stock, it being the capital stock to be issued by said association, be not sold on the day of the first opening of the books, the remainder unsold may afterwards be disposed of at such time and place and under such regulations as the trustees for the time being may order.

Subscription.

Election of trustees. SECTION 3. That there shall be a meeting of the members of the said Odd Fellow's Hall Association, of York county" on such day and at such place in the borough of Shrewsbury as the five persons first named in this act, or any three of them, shall appoint, giving at least ten days' notice of such meeting in at least one newspaper printed in the county of York; and on such day and at such place annually thereafter as the by-laws of said association shall provide for the election from among the members, five trustees to manage the affairs of the said association for twelve months thereafter, and until a new election shall take place, and the three commissioners first named shall be the judges of the first election of trustees, and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such election given in such manner as the by-laws shall prescribe.

Object.

SECTION 4. That the object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the borough of Shrewsbury, for the accommodation of the members of Mount Vernon Lodge, number one hundred and forty-three of Odd Fellows', and other lodges or beneficial societies to hold their meetings in.

Seal.

SECTION 5. That it shall and may be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted and as herein expressed.

Officers.

SECTION 6. That the officers of the association shall be a president, secretary, and treasurer, who shall be elected by the trustees. All the officers shall be trustees.

By-laws."

SECTION 7. That the corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the Constitution and laws of this Commonwealth or of the United States.

Reservation.

SECTION 8. That the Legislature hereby reserves the right to alter or amend the charter hereby granted, whenever in their opinion it may

be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 291.

AN ACT

To incorporate the Union Beneficial Society of Oxford, in the county of Adams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Will, Daniel Fink, Joe J. Smith, Matthias Martin, John L. Noel, David Fink, Henry Colhour, Alexious Robinson, Edward Colgan, John Filler, Jacob Martin, George Filler, Samuel Hilt, Philip Hemler, Josiah Miller, Peter N. Werrick, Lewis Long, John Sneeringer, Jacob Adams, Charles Timmons, Aloysias Marshall, John McSherry, George W. Lilly, Thomas Timmons, Matthias Hemler, George Shane, Andrew Smith, and their successors, and all such other persons being citizens of the Commonwealth of Pennsylvania, as shall hereafter be admitted or become members of the association, are hereby incorporated and made a body politic in law and in deed, by the name, style, and title, of "The Union Beneficial Society," and by the same Style. name they and their successors shall forever hereafter be able and capable in law to have, hold, receive, and enjoy lands, tenements, rents, franchises, gifts, and bequests, of what nature soever, in fee simple or for term of life, years, and otherwise, and also to give, grant, let, sell, alien, or assign the same, according to the nature of the respective gifts, grants, or bequests made to them, the said society, and of their estates therein, to be employed and disposed of according to the objects, articles, and conditions hereafter to be adopted by the society hereby incorporated: *Provided, That* the amount of the clear yearly value or income of such real estate and the interest of money by them lent, do not exceed the sum of five thousand dollars. Corporators. Privileges.

SECTION 2. That the said society shall be forever hereafter able and capable in law to sue and be sued, plead and be impleaded, in all law causes, and things, and to obtain and sustain all legal judgments, executions, and decrees incidental to the same, and enjoy all such privi- Further privileges.

leges, rights, powers, and franchises as other corporations of the same kind in this Commonwealth enjoy.

Seal. SECTION 3. That the said society shall have power to use a common seal, and the same to change, alter, or amend at pleasure.

Officers. SECTION 4. For the well-governing of the said society, and ordering and managing their affairs, they shall choose from among themselves, in such manner as shall be determined upon in their fundamental articles and regulations, a president, vice president, treasurer, and door keeper, and such other officers and committees as they may deem necessary or useful, and shall have power and authority to order special and stated meetings of the said society, to do and transact all business and matters appertaining thereto, agreeably to such rules, ordinances, and regulations and by-laws, as a majority of the society shall judge necessary or convenient, and shall from time to time establish and make and put into execution such by-laws, rules, and regulations as may be passed from time to time by the society aforesaid, or the same to revoke, annul, alter, or amend at pleasure: *Provided*, That the said rules, regulations, or ordinances and by-laws relate only to the charitable purposes before mentioned, and be not repugnant to the Constitution and laws of the United States or of the Commonwealth of Pennsylvania, nor repugnant to any of the provisions of this act.

Property vested in said society. SECTION 5. All and singular the estate whatsoever now belonging to the said society and held by any person whatsoever for the use of said society, shall be and the same is hereby transferred and vested in the said society and their successors for the purpose before mentioned: *Provided always*, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities, or other hereditaments and real estate of the corporation, and the interest and money lent shall not exceed five thousand dollars as aforesaid.

Reservation. SECTION 6. The Legislature hereby reserves *the* the power to alter, revoke, or annul this charter whenever it deems proper, in such manner, however, that no injustice be done to the incorporators.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 292.

AN ACT

To amend an act entitled "An Act to incorporate the Marshall Savings Association of the city and county of Philadelphia," approved the twenty-second day of March, one thousand eight hundred and fifty, and relative to the estates of Sarah Knorr and Thomas Reeves, and in reference to deeds and the collectors of corporation taxes in the district of the Northern Liberties, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name and style of the Marshall Savings Association, of Philadelphia, is hereby changed to the Marshall Savings Institution of Philadelphia, and they shall henceforth be known and called by the name, style, and title, of the "Marshall Savings Institution of Philadelphia," and by that name shall be able and capable in law to exercise, do, and perform all the rights, powers, privileges, and immunities guaranteed, and the same are hereby extended to them as they are fully set forth and contained in an act entitled "An Act to incorporate the Marshall Savings Association, of the city and county of Philadelphia," approved the twenty-second day of March, one thousand eight hundred and fifty, and all acts heretofore done under the provisions of said act of incorporation, under the name and style of the Marshall Savings Institution, of Philadelphia, be, and the same are hereby confirmed and made as good and valid in law as though the corporate name had originally been the Marshall Savings Institution, of Philadelphia.

Marshall
Savings Associ-
ation of Phila-
delphia, name
changed.

SECTION 2. That a majority of shareholders of said institution present at any annual or special meeting called for the purpose, may dispose of the shares of said institution for such price, in such manner, and for such consideration as they may direct and determine: *Provided*, That no share shall be sold at less than its par value.

May dispose of
shares.

WHEREAS, Peter Beck and wife, did by deed dated the twenty-fifth day of March, eighteen hundred and forty-seven, duly recorded in the office for recording deeds for the city and county of Philadelphia, in deed book A. W. M., number thirty-one, page two hundred and thirty-seven, et cetera, grant and convey unto Mathew Thompson, of the county of Philadelphia, in fee, a certain lot of ground situate on the south side of Buttonwood street, at the distance of two hundred and thirty-four feet ten inches eastward from Eleventh street, in the District of Spring Garden and county of Philadelphia, containing in front or breadth on said Buttonwood street twenty feet, and extending in depth southward between parallel lines at right angles with said Buttonwood street, one hundred and fifty-nine feet eleven inches and five-eighths of an inch to Pleasant street, together with the buildings thereon erected, in trust nevertheless for the sole and separate use of Sarah Knorr, wife of George Knorr, of the county of Philadelphia, victualler, for and during all the time of her natural life, and from and after her decease then in trust to convey the same in fee simple to the child or children of said George Knorr and Sarah Knorr;

Preamble.

And whereas, The said deed of trust conveys or contains no power to said trustee or any person to sell or mortgage said property, or to alter or annul any of the trusts therein contained, and it is for the interest and is the desire of all parties concerned that said premises should be sold either in whole or in part; therefore,

Trustee of Sarah Knorr authorized to sell certain real estate.

SECTION 3. That the said Mathew Thompson, trustee as aforesaid of the said Sarah Knorr, be, and he is hereby authorized with the consent of said Sarah Knorr, under and by her signing the deed, to sell in such manner as he may deem best, all or any part of said lot of ground and premises, so held by him in trust as aforesaid, and to execute, acknowledge, and deliver a good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers thereof in fee simple, or on ground rent altogether freed and discharged from the said trust, and from any obligation on the part of the purchaser or purchasers to see to the application of the purchase money: *Provided*, Said trustee shall give good and sufficient security, to be approved by the Orphans' Court in the city and county of Philadelphia, for the faithful application of the purchase money: *And provided also*, That said trustee may convey said estate to Sarah Knorr in discharge of his trust and surety hereby required to be given at his option.

Preamble.

Whereas, Thomas Reeves, junior, late of Philadelphia, devised the shares of his daughters for their sole and separate use, and appointed no trustee for them, and the executor Eli K. Price conveyed to them their shares in like manner for their sole and separate use, some parts of which are vacated and unproductive.

Daughters of Thomas Reeves, jr., deceased, authorized to convey certain real estate.

SECTION 4. That the said daughters whether married or single be authorized to convey all their real estate devised to them as aforesaid in fee simple to the purchasers thereof, with or without the reservation of ground rents, without obligation on the part of the purchasers to see to the application of the purchase money or moneys for the extinguishment of the ground rents which said daughters are authorized to release and extinguish: *Provided*, That such of said daughters as are married shall first have a trustee appointed by the Court of Common Pleas of the county of Philadelphia, to unite with them in such conveyance under the act of twenty-fifth of April, eighteen hundred and fifty, entitled "An Act relating to bail of executrixes, &c."

Deeds, relative to the recording of,

SECTION 5. That all deeds heretofore duly made, and on motion in open court entered among the records thereof in conformity with the act of sixteenth January, one thousand seven hundred and ninety-nine, entitled "An Act to facilitate the barring of entails," although not recorded within six months next after the execution thereof in the office for recording deeds, shall be equally available and valid within the intent of said act: *Provided*, That the same shall have heretofore been recorded in such office.

Pennsylvania Railroad Company, repeal of certain act concerning.

SECTION 6. That the eleventh section of an act entitled "An Act to incorporate the Southern Gas Company, and relative to the appraisers of tavern licenses in the city and county of Philadelphia," approved the fifteenth day of May, one thousand eight hundred and fifty, be, and the same is hereby repealed.

Northern Liberties, Philadelphia county, relative to tax collectors in.

SECTION 7. That the board of commissioners of the district of the Northern Liberties, in the county of Philadelphia, shall hereafter take from each and every collector of tax appointed by said commissioners a bond and warrant of attorney to confess judgment thereon with at least one sufficient surety in the amount of the duplicate delivered to such collector, conditioned for the payment of the amount of said duplicate in such portions and at such time or times as the said board of

commissioners may direct, and so much of the twenty-sixth section of an act entitled "An Act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth street and the river Delaware, and between Vine street and Cohocksink creek," approved the sixteenth day of March, one thousand eight hundred and nineteen, be, and the same is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 293.

A N A C T

To incorporate the Sherman's Valley Plank Road Company, and relative to roads in Wheatfield township, Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Rice, George Stroop, James Macfarland, Benjamin McIntire, Jonas Ickes, David Lupfer, H. F. Topley, George Barnett, senior, John Campbell, Conrad Roth, junior, John R. McClintoc, George B. Arnold, Finlaw McCown, Alexander B. Anderson, A. C. Klink, William A. Sponsler, John A. Baker, John B. Topley, Samuel McKnight, C. W. Fisher, Lindley Fisher, John Chartors, Joseph Bailey, James Black, Jacob Smith, Samuel Libey, Joshua E. Linger, John W. Bosseman, John Demaree, John Beaver, William T. Shinely, Jesse L. Garrett, George S. Hackett, Daniel Garrett, James F. McNeal, John Rice, David Adams, Joseph McClure, James Kay, John Ritter, John Trepler, William B. Anderson, and Solomon Bower, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name and style of "The Sherman's Valley Plank Road Company," with power to construct a plank road from such point on the Pennsylvania railroad as a majority in value of the stockholders shall determine, through Bloomfield to New Germantown, in Perry county, with all the authorities and subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and its supplements, excepting so much thereof relating to tolls as discriminates in favor of wheels of the width of four inches and upwards; and the said company shall have

Commissioners.

Style.

Location.

Subject to provisions of certain act.

power to regulate their tolls within the limits prescribed by said act without reference to the width of wheels in any case, and excepting also such other portions of said act as may be inconsistent herewith.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of five hundred and fifty shares, at twenty dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the capital stock so much as in their opinion may be deemed necessary for the purpose of completing said road and to carry out the true intent and meaning of this act.

Track.

SECTION 3. That said company shall have power to lay the track of said plank road on the bed of any public or private road that shall be deemed eligible for that purpose, but so as to preserve at least twenty feet of said public or private road for the use of the public, free of toll as heretofore: *Provided*, That before said company shall take possession of any public or private road, it shall be the duty of the president and managers thereof to pay to the supervisors of the township in which said road may be located, the cost of opening so much thereof as may be occupied by said company—the amount so paid to be applied by said supervisors to the repairs of the public roads.

Further powers.

SECTION 4. That after said company shall have been organized, and the letters patent issued, it shall be lawful for the president and managers to receive subscriptions of stock on condition that a certain point or points named in said subscriptions be made a terminating or intermediate point or points on said road; also to receive subscriptions of stock payable in labor on said road, and in materials suitable for its construction.

Wheatfield township, Perry county, certain road laws extended to.

SECTION 5. That the provisions of the act entitled “An Act relating to certain school districts and roads in Perry county, and relative to elections in the borough of Landisburg in said county,” approved the eleventh day of March, one thousand eight hundred and fifty-one, so far as said act relates to the opening and repairing of the public roads in Oliver township, Perry county, be, and the same are hereby extended to the township of Wheatfield in said county: *Provided*, That all laws supplied by this section, and the act to which this is a supplement, be, and they are hereby repealed, so far as they relate to the townships of Oliver and Wheatfield, in the county of Perry.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

294.

AN ACT

To lay out a road from the Pennsylvania Railroad, opposite Lewistown, Mifflin county, to M'Culloch's mills, Juniata county, incorporating the Lewisburg and Brush Valley Plank Road Company, and relative to the claim of Joseph J. Langton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David M'Clure, George M'Culloch, John Beal, John Plank, and John R. Weeks be, and they are hereby appointed commissioners to view, lay out, and mark a State road, beginning at the Pennsylvania railroad opposite Lewistown, Mifflin county, and running to M'Culloch's mills, Juniata county (so as to make the grade as easy as possible for heavy burdened wagons). Commissioners.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve a copy of said oath or affirmation in his office to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, and that they shall clearly and distinctly mark the road in such manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor at one dollar and fifty cents per diem, two chain-bearers and one axeman at a sum not exceeding for each one dollar per diem. Duties.

SECTION 3. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of November next, and one copy in the office of the clerks of the Courts of Quarter Sessions of the respective counties through which the said road may pass on the time aforesaid, or as much sooner as practicable, and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired. Drafts.

SECTION 4. That the commissioners shall draw on the commissioners of the counties through which said road shall pass who shall pass, who shall adjust the account of the commissioners, surveyor, chain-bearer, and axeman, and pay them as other accounts by orders on the treasurer of the county are paid. Pay of commissioners.

SECTION 5. That said commissioners shall meet on or before the first Monday of May next, or as soon thereafter as a majority of them shall agree, and complete the location of the said road as soon as practicable; Meeting of commissioners.

and if any vacancy shall occur by resignation or otherwise, it shall be filled by the majority of said commissioners or the appointment of the judges of the Court of Quarter Sessions of the county in which said person or persons so resigning shall have resided.

Supervisors of
the several
townships
through which
road passes,
duties of

SECTION 6. And it shall be the duty of the supervisors of the several townships through which said road shall pass upon notice given, to proceed at once and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than sixty-five dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road. The justice of the peace before whom information is lodged shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township through which said person so refusing may reside, and that said commissioners shall have power to vacate any road or part thereof as may be rendered useless by this act, or shall have power to change and re-locate any part of such roads between the points mentioned by this act as may be rendered necessary.

Commissioners. SECTION 7. That William Cameron, Francis Wilson, Thomas Hayes, John Walls, Peter Beaver, Hugh P. Sheller, Eli Slifer, Samuel Geddes, Jonathan Wolfe, O. N. Worden, L. B. Christ, James S. Marsh, Henry C. Hickok, William Frick, Levi Sterner, G. F. Miller, Henry W. Fries, James McCreigh, Daniel Rangler, Philip Rhul, Daniel Guldin, Jacob Seebach, James D. Chamberlin, Martin Drisbach, and John Chamberlin, of Union county, and Thomas Wolf, Dr. Samuel Strochseker, John Reynolds, John Cramer, and John Foster, of Centre county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "Lewisburg and Brush Valley Plank Road Company," with power to construct a plank road from the intersection of Fourth and Saint Anthony streets in the borough of Lewisburg, in the county of Union, by the Buffalo cross roads to the west end of the Brush valley narrows, in Centre county, at or near Strohecker and Reynolds saw mill by the nearest and best route, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, excepting that portion of the thirteenth section of said act relating to tolls which discriminates in favor of wheels of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case.

Style.

Location.

Subject to provisions of certain act.

Capital stock. SECTION 8. That the capital stock of said company shall consist of one thousand shares, of twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital so much as in their opinion may be deemed necessary to complete the road and to carry out the true intent and meaning of this act.

Commencement and completion of road. SECTION 9. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within four years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Joseph J. Langton, relative to claim of.

SECTION 10. That the Auditor General be, and he is hereby authorized and required to examine the account of Joseph J. Langton, of

Mifflin county, late contractors on the Tunkhannock division of the Pennsylvania canal, and report the facts thereof to the next Legislature.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 295.

AN ACT

To authorize the Governor to incorporate a company to erect a bridge over the river Schuylkill near the site of the late Flat Rock Bridge, in the counties of Montgomery and Philadelphia, relative to an election district in Lycoming county, to legitimatize Charles Leech, jr., and extending the provisions of an act to encourage manufacturing operations to articles manufactured of salt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Bethel Moore, Thomas Vaughan, Daniel Shupert, Abraham Levering, Commissioners.
Evan Jones, and William G. Smith, of the county of Montgomery, and Charles Thompson Jones, Michael Snyder, and Francis W. Weiss, of the county of Philadelphia, be, and are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the second day of June next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers, and company authorized to erect a bridge over the river Schuylkill, near the site of the late Flat Rock bridge, in the counties of Montgomery and Philadelphia, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An Act to authorize the Governor to incorporate a company to erect a bridge over the river Schuylkill near the site of the late Flat Rock bridge, in the counties of Montgomery and Philadelphia." Witness our hands this Form of sub-
day of scription. one thousand eight hundred and fifty-one; and shall thereupon give notice in two newspapers printed in each of the counties of Montgomery and Philadelphia, for one calendar month at least, of the times and places when and where the said book or books shall be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the said commissioners shall attend, and shall open said book or

Notice.

books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein in his own name or the name of any other person or persons by whom he shall be authorized so to do, for any number of shares in the said stock, until three hundred shares shall be subscribed, when the books shall be closed. But if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such times and places as they shall think proper, and give such further notice as they shall think necessary; and when the subscriptions shall amount to three hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in said book or books in his own name or in the name of any other person, shall at the time of subscribing pay to the attending commissioner or commissioners five dollars on every share so subscribed, out of which shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers thereof chosen as is hereinafter directed.

Proviso.

Letters patent.

Style.

Privileges.

SECTION 2. That when two hundred and forty shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers and the number shares subscribed by each to the Governor; and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of the State, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style, and title, of "The President, Managers, and Company of the Schuylkill Bridge near the Flat Rock;" and by the said name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic or corporate may lawfully do.

Organization,
notice of, &c.

Officers.

SECTION 3. That the six first-named persons in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in one or more of the newspapers published in the counties of Montgomery and Philadelphia, of the time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers by ballot, to be delivered in person, one president, six managers, and one treasurer, who shall serve until other officers shall be lawfully elected or chosen, and make such by-laws, rules, orders, and regulations, not inconsistent with the laws of this Commonwealth, as shall be found necessary for the well-ordering of the affairs of said company, and generally to have all the powers, authorities, and privileges necessary for erecting, maintaining, and keeping said bridge.

Annual meeting.

SECTION 4. That the said stockholders shall meet on the first Monday in January next following the organization of said company, and

on the first Monday of January in every succeeding year, at such place as shall be fixed upon by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year and the transaction of such business as may come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share under ten.

SECTION 5. That the president and managers shall procure certificates of stock in said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer part of the sum due thereon, ten dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney duly authorized, in the presence of the president or treasurer for the time being, subject however to the payments due or to become due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities of the company. Certificates of stock

SECTION 6. That the president and managers shall meet at such times and places, and be convened in such manner, as shall be prescribed by the by-laws, at which meetings five members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and at any such meeting a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and other wages, or at their discretion make contracts for the erection and construction of the same or any part thereof; they shall also determine the times, manner, and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills, for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them. Quorum.
Appoint engineers, artists, &c.
Order, how drawn.

SECTION 7. That if any stockholder after thirty days' notice given in two newspapers in each of said counties of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor; or the president and managers may sue for and recover the same before any justice of the peace or before any court of competent jurisdiction. Stock, how to be paid.

SECTION 8. That whenever it shall appear to the said president, managers, and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting so far as Number of shares of stock, may be increased.

may be necessary to complete said bridge, which additional shares shall be sold by the president, and shall entitle the holder to the same rights and privileges as those originally subscribed.

May enter upon lands. SECTION 9. That it may be lawful for the president and managers and the persons employed by them, to enter upon any lands or enclosures for the purpose of locating said bridge, and to occupy so much of such lands as they may deem necessary for erecting the same; also they shall have power to make such change or variation in the bed and route of the public road as shall be necessary to connect the same with the said bridge, paying the owners of such lands as may be occupied by the said bridge and roads leading thereto a just compensation for the injury he or they may have sustained thereby; and if the parties cannot agree on the compensation, the injured party may obtain damages in the manner prescribed by the laws of this State for obtaining damages for opening public roads, so that it will not in any manner diminish the width of the river at the point where it may be placed, and of such height as to allow a free passage for the stream in its highest stages—said width and heights to be determined by the commissioners of Philadelphia and Montgomery counties.

Damages, how ascertained.

When gates may be erected. SECTION 10. That when a safe passage may be had across said bridge, the property of the same shall be vested in the said company, their successors and assigns forever; and the said company, their successors and assigns, are hereby empowered to erect gates and demand and receive toll at not exceeding the following rates: For every sheep or swine, half a cent; for every head of cattle one cent; for every horse or mule one cent; for every horse or mule and rider two cents; for every foot passenger one cent; for every chaise, riding-chair, sulkey, cart, or other two-wheeled carriage, or a sleigh or sled with two horses, ten cents, and so in proportion for more horses added, and for the same with one horse, six cents; for every pleasure carriage with four wheels and one horse eight cents, with two horses twelve cents, with four horses twenty cents, and so in proportion for more horses added; for every loaded wagon for burden and agricultural use, for one horse six cents, two horses twelve cents, four horses eighteen cents, five horses twenty-two cents, six horses twenty-seven cents; two oxen shall be estimated as equal to one horse: *Provided*, That said bridge shall be so constructed as to admit any loads not exceeding six tons, and drawn by more than eight horses or oxen, at all times to cross it; and the said president and managers, however, to have the power to increase the tolls to be demanded for any carriage of burden crossing the said bridge laden with more than three tons to any amount not exceeding treble the above rates, and to grade them according to the weight and number of horses drawing the same: *Provided also*, That no toll shall be demanded from any person attending funerals, churches, or schools, or going to or returning from any military training: *And provided further*, That if any person or persons shall wilfully ride, drive, or lead any horse or other animal faster than a walk when crossing the said bridge, he, she, or they so offending shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines or debts of like amount are by law recoverable.

Rates of toll.

Proviso.

Proviso.

Penalty for illegal tolls, &c. SECTION 11. That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than which is herein prescribed and specified, or shall neglect to keep the same in good repair or to keep a list of the rates of toll placed near the bridge, on ten days' notice given by a justice of the peace of either of said counties, they so offending

shall for every offence forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECTION 12. That the said president and managers shall keep a just and true account of all the moneys received as toll for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income after deducting costs, expenses, and charges, and shall on the first Monday in January and July in every year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper to form a contingent fund for the purpose of repairing and rebuilding the said bridge in case of decay or injury, and the same to invest in such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest and the same stock again to sell or transfer at any time when the funds may be required for the purpose aforesaid.

SECTION 13. That it shall be lawful for the president and managers aforesaid to cause the toll collector or collectors or watchman or watchmen of said bridge to take and subscribe an oath or affirmation before an officer competent to administer the same of either of said counties, that he or they will faithfully conduct themselves in their respective stations and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend the discharge of his or their duty by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

SECTION 14. That if any person or persons shall wilfully pull down, break, injure, or destroy any part or parts of said bridge, or any toll-house, gates, bars, or other property of the said company appurtenant to or erected for the use and convenience of said bridge or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of tolls affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge or any part or parts thereof, he, she, or they so offending shall each of them forfeit and pay for every such offence to said corporation the sum of twenty dollars, to be recovered before any justice of the peace as debts of like amount are recoverable; and if any person shall be guilty of carrying a lighted segar, pipe, or fire, in any manner whatever over said bridge, except in a lantern or some other vessel secured so the possibility of its setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket, or other fire-works, or who shall discharge any gun, pistol, or other fire-arms on or near said bridge, so that said bridge might by possibility be fired or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recoverable as aforesaid, but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence shall have been committed; and he, she, or they so

Accounts.

Dividends.

Contingent fund.

Collectors and watchmen to be sworn.

Penalty for injuries to bridge, &c.

For carrying fire, &c.

offending, shall remain liable to actions at the suit of said corporation for such wrongs if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

Time of completion.

SECTION 15. That if the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the Legislature of this Commonwealth to resume all and singular the rights, liberties, and privileges hereby granted to said company.

State or county may purchase bridge.

SECTION 16. That if at any time hereafter the counties of Montgomery and Philadelphia, or either of them, the State of Pennsylvania or any incorporated town in the State, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such a sum as a majority of twelve disinterested men, appointed by the Court of Common Pleas in either of the above, mentioned counties, may judge the same to be worth. And that so much of any act or acts of Assembly as are hereby altered or supplied, be, and the same are hereby repealed.

Reservation.

SECTION 17. That the Legislature hereby reserves the right to alter, amend, or annul this act whenever in their opinion it may be necessary for the public good: *Provided*, That no injustice be done thereby to the corporators.

Borough of Montoursville, Lycoming county, elections in.

SECTION 18. That the qualified voters of the borough of Montoursville, and of the township of Fairfield, in the county of Lycoming, shall hereafter hold their general, borough, and township elections at the house now occupied by Frederick Shall, in the borough of Montoursville, in said county.

Manufacturing law extended to articles made from salt.

SECTION 19. That the provisions of an act entitled "An Act to encourage manufacturing operations in this Commonwealth," passed the seventh day of April, one thousand eight hundred and forty-nine, shall be, and they are hereby construed to extend to companies formed for the purpose of carrying on the manufacture of articles made from salt: *Provided*, That the provisions of this section shall not extend to the city and county of Philadelphia.

Charles Leech legitimatized.

SECTION 20. That Charles Leech, jr., of North Penn township, in the county of Philadelphia, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

296.

A SUPPLEMENT

To an act entitled "An Act authorizing the Governor to incorporate the Sugar Valley and White Deer Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Governor is hereby authorized and required to subscribe on behalf of this Commonwealth to the stock of the Sugar Valley and White Deer Turnpike Road Company the sum of ten thousand dollars, and as soon as any five miles of said road shall be completed and approved of, he shall draw his warrant on the State Treasurer for a sum in proportion to the whole distance, and a like sum for every five miles, until the whole sum shall be drawn. Certificates of shares to the amount of such subscription shall be delivered to the State Treasurer, and shall vest in the Commonwealth all the rights and emoluments appertaining to a share or shares as held by individual stockholders: *Provided, That* the amount of subscription hereby authorized shall in no one year exceed the amount of State taxes levied and collected in the townships of Green and Logan, in Clinton county, and White Deer, West Buffalo, and Hartleton, in Union county, through which the said road passes.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 297.

AN ACT

Construing the fifth section of the act entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company," and relative to the obstruction of private roads by railroad companies, relative to holding elections in Sparta township, Crawford county, and the borough of Loretto, Cambria county, authorizing John McDill to sell certain real estate, to a volunteer company called the Broad Top Rifle Rangers, to the borough of Ebensburg, Cambria county, to supervisors in Lancaster and Jefferson counties, changing the name of the Northumberland and Point Infantry, a volunteer company, to the Chestnut Hill Iron Ore Company, to an election district in Clearfield county, and to the Conococheague creek in Franklin county.

Construing fifth section of certain act relative to the Pennsylvania railroad.

Relative to the obstruction of private roads by railroad companies.

Elections in Sparta township, Crawford county.

John McDill, of Crawford county, authorized to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the fifth section of the act entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company," passed the twenty-eighth day of March, one thousand eight hundred and forty-eight, shall be so construed as to include the streets, lanes, and alleys, in any town, borough or city through which said road passes.*

SECTION 2. That any chartered railroad company in this Commonwealth obstructing or impeding the free use or passage of any private road or crossing place, by standing burthen cars or engines, or placing other obstructions on any railroad wherever any private road or crossing place may be necessary to enable the occupant or occupants of land or farms to pass over any railroad with horses, cows, hogs, sheep, carts, wagons, and implements of husbandry, shall for every such offence, after any agent or other person in the employment of any railroad company shall have received at least fifteen minutes' verbal notice to remove burthen cars, engines, or other obstructions from any private road or crossing place that may pass over any railroad, be liable for a penalty of thirty dollars, which shall be for the use of the person or persons aggrieved, and which shall be recovered before any justice of the peace in the same manner that debts not exceeding one hundred dollars are by law recoverable. And in all suits or actions that may be brought against any railroad company for the recovery of said penalty of thirty dollars, the service of legal process on any agent or other person in the employment of any railroad company shall be as good and available in law as if made on the president thereof.

SECTION 3. That the citizens of Sparta township, Crawford county, are hereby authorized and required hereafter to hold their annual elections for township officers on the second Tuesday of February.

SECTION 4. That John McDill, of Crawford county, be, and he is hereby authorized to sell and convey at public or private sale, all the right, title, interest, and estate of his three minor children, to and in a certain tract of land situate in Jackson township, Venango county, being number one thousand two hundred and fifty-eight (1,258) in the sixth district donation lands, and containing about two hundred acres, and to make a sufficient deed or deeds to the purchaser or purchasers thereof: *Provided*, That the said John McDill shall first file in the office of the clerk of the Orphans' Court of Venango county, a bond

with sureties to be approved by said court, conditioned for the faithful appropriation of said purchase money under the direction of said court: *And provided also*, That said court shall approve of such sales.

SECTION 5. That the borough of Loretta, in the county of Cambria, be, and the same is hereby erected into a separate election district, and the qualified electors thereof shall hold their general and borough elections at the school house in said borough; and Augustine Little is hereby appointed judge, and Henry Scanlan and Augustine Walters inspectors, to hold the elections in said borough until others are elected for that purpose, and that any provision in the charter of said borough inconsistent with this act is, and the same is hereby repealed.

SECTION 6. That the volunteer company known as the Broad Top Rifle Rangers residing partly in Bedford and partly in Huntingdon county, be, and the same is hereby detached from the Huntingdon battalion and attached to the battalion in Bedford county, and that said company with those in the county to which it is attached, be, and it is hereby authorized to elect general battalion and company officers.

SECTION 7. That the burgess and town council of the borough of Ebensburg, in the county of Cambria, shall have powers by ordinance to determine the width of the side-walks or foot-walks of the streets, lanes, and alleys within the limits of the said borough, and to require and direct the paving and curbing thereof by the owner or owners of lots fronting thereon; and on the failure or neglect of any person or persons owning lots as aforesaid to pave and curb the side or foot-walks in front of his or their lot or lots agreeably to the requisition of such ordinance, the street commissioner of the said borough shall cause the same to be paved and curbed at the expense of the said borough, and the owner or owners of the said lot or lots shall be liable to repay the expenses thereof to the said borough; and it shall be lawful for the said burgess and town council to file their lien for the same in the Court of Common Pleas of Cambria county, which shall have priority to any mortgage, judgment, recognizance, or liability to which the said lot or lots may become liable after the passage of this act, and the amount secured thereby may be recovered by scire facias as debts are recoverable under the mechanics' lien law in the corporate name of said borough: *Provided*, That such lien shall be filed within thirty days after such expense is incurred by the said borough, and recite the name of the owner or reputed owner and the occupier or occupiers of such lots.

SECTION 8. That the taxable citizens of the borough of Ebensburg, in the county of Cambria, shall hold their Spring elections at the court house in said borough on the third Friday in March in each and every year hereafter; and said elections shall be governed by the general election laws of this Commonwealth. And so much of the second section of the act incorporating said borough, passed January fifteenth, one thousand eight hundred and twenty-five, inconsistent with this act, be, and the same is hereby repealed.

SECTION 9. That from and after the passage of this act, the bonds required to be given by the supervisors of Lancaster county, in pursuance of an act entitled "An Act requiring the supervisors of Lancaster county to give bail," approved the twenty-fifth March, eighteen hundred and forty-eight, shall be filed in the office of the clerk of the Court of Quarter Sessions of the Peace of Lancaster county; and that so much of said act as requires said bonds to be filed in the office of the prothonotary of Lancaster county, be, and the same is hereby repealed.

SECTION 10. That the first section of the act approved the eighteenth day of March, one thousand eight hundred and forty-eight, directing the supervisors of Barnett township, in Jefferson county, to pay to the

Borough of Loretta erected into a separate election district.

Broad Top Rifle Rangers, relative to.

Powers of the burgess and town council of the borough of Ebensburg.

Place of holding elections in the borough of Ebensburg.

Relative to bonds of supervisors in Lancaster county.

Supervisors in Barnett township, Jefferson county.

holder the due bills given by John Knox, supervisor for the opening of a public road laid out by order of the court, and opened in eighteen hundred and forty-two by John Knox, supervisor in that fractional part of Ridgway township remaining in the county of Jefferson, viz., commencing at the Spring creek road at Callen's run, and ending at the Shippensburg and Ridgway State road at Turner's Falls, in the Clarion river, is hereby repealed.

Suits or actions
against said
township, rela-
tive to.

SECTION 11. That all suits or actions at law now commenced and pending, or hereafter may or shall be commenced in any of the courts of Jefferson county, or any other county of the Commonwealth, against the township of Barnett upon the due bills so given or signed by the said John Knox, as supervisor for the opening of the road here described in the above section, shall abate and be fully ended.

SECTION 12. That from and after the passage of this act, the Northumberland and Point Infantry, a volunteer company in the county of Northumberland, shall be known and called by the name and style of the "Cadwallader Infantry:" *Provided*, That all acts done under the former name of the Northumberland and Point Infantry shall not be affected in any manner by the passage of this act; and the said corps shall enjoy all the advantages in point of date or age, and all other immunities and privileges attaching to said company under its former organization, as if this act had not been passed.

Chestnut Hill
Iron Ore Com-
pany authorized
to borrow
money.

SECTION 13. That the Chestnut Hill Iron Ore Company are hereby authorized to borrow on a mortgage of their real estate and works any sum not exceeding fifty thousand dollars, and to use any portion of the stock created by their charter in the construction of their works.

Pike township,
Clearfield coun-
ty, place of hold-
ing elections in.

SECTION 14. That the qualified voters of Pike township, Clearfield county, shall hereafter hold their general and Spring elections at the public house now occupied by William Mason, in said township.

Conococheague
creek, Franklin
county, relative
to.

SECTION 15. That from and after the first day of August next, if any person or persons in the county of Franklin shall cast, throw, or put into the West Conococheague creek in said county, any tan or other impurities, he or they on being convicted thereof shall forfeit and pay for every such offence the sum of twenty-dollars, to be sued for and recovered with costs of suits before any justice of the peace in the name of the Commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school district in which the offence has been committed, for the use of the common schools of such district: *Provided however*, That no person or persons shall be prosecuted or convicted for an offence against this act, unless such prosecution shall be commenced within six months after such offence shall be committed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 298.

AN ACT

To incorporate the New Alexandria Female Seminary, relative to the election of supervisors in Franklin township, Greene county, and the Pennsylvania Fire Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and is hereby established in or near the borough of New Alexandria, in the county of Westmoreland, a seminary or public school for the education of females, by the name, style, or title, of "The New Alexandria Female Seminary," all religious instructions in which shall be Calvinistic and Presbyterian in their character. Incorporate.

SECTION 2. Said seminary shall be under the direction, management, and government of a board of trustees, not exceeding nine in number, six of whom shall be a quorum for the transaction of business, which said trustees and their successors shall be, and they are hereby erected, established, and declared to be a body politic and corporate with perpetual succession, and with all incidents of a corporation in deed and in law, to all intents and purposes whatever, by the name, style, and title, of "The trustees of the New Alexandria Female Seminary," by which name and title the said trustees and their successors shall be able in law and equity to take to themselves and their successors, for the use of said seminary, any estate, messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, estates, moneys, real or personal, to grant, bargain, sell, convey, assure, devise, and to farm, let, or otherwise dispose of or invest in such manner as to them or a quorum of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, and income and interest of the same for the use of the said seminary; and by the same name to sue, prosecute, and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and transact all and every business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person has power to manage his own concerns. Board of trustees.
Style.
Privileges.

SECTION 3. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they may think proper; by and with which seal all deeds, certificates, and acts of said corporation shall be authenticated, and the same seal the said trustees may at their pleasure break and alter, and also if they think proper devise a new one. Seal.

SECTION 4. That John Mourer, John Snodgrass, Dr. William R. Speer, James Stewart, Henry M'Bride, James Shields, sen., Samuel Patterson, William Taylor, and James Shaw, are appointed trustees of said corporation, which said trustees, or any six of them, shall constitute a quorum for the transaction of business, and shall have power to fill Trustees.
Powers.

any and all vacancies which may occur in their body until the second Monday in May, one thousand eight hundred and fifty-one, at which time the stockholders of said seminary shall elect by ballot by a majority of the votes present, to be given in person or by proxy duly authorized, nine trustees, one-third of whom to continue in office till the last Thursday in September, one thousand eight hundred and fifty-two, one-third till the same day, one thousand eight hundred and fifty-three, and the remaining third till the same day, one thousand eight hundred and fifty-four; and on each of the fore-mentioned days, and on the same day annually thereafter, three persons shall be elected in the manner aforesaid to fill the places of those whose term of office shall then expire, and to continue in office three years or till others be elected the said trustees out of their own number one person to act president and one person to act as secretary and treasurer: *Provided*, That no person shall have more than one vote for every two shares of stock until his subscription shall amount to ten shares or one hundred dollars, after which he shall have one additional vote for every three additional shares, till his subscription amounts to twenty shares or two hundred dollars, after which five additional shares shall give but one additional vote: *And provided*, That such elections may be held at the place and conducted according to the rules that may be prescribed by the by-laws and ordinances of said seminary.

Subscription.

SECTION 5. That the said trustees herein are hereby authorized to open books on or before the first Monday in April next, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay to the trustees of the New Alexandria Female Seminary the sum of ten dollars for each share of stock set opposite our names, in such manner and proportions, and at such time or times as shall be required by said trustees; the whole of said stock by each of us subscribed to be paid within one year from the time of subscribing the same;" and shall thereupon proceed to receive subscriptions for the stock of the said corporation not exceeding in the whole the sum of seven thousand dollars divided into shares of ten dollars each, at such times and places as they may deem advisable; and it shall be lawful for any person or body politic or corporate to subscribe for as many shares as he or she or they may think proper, he, she, or they paying at the time of subscription to the attending trustees two dollars on every share of stock so subscribed.

Certificates of stock.

SECTION 6. The said trustees shall procure written or printed certificates, and deliver to each stockholder a certificate signed by the president of the board of trustees, countersigned by the secretary, and sealed with the seal of the said corporation, for the share or shares of stock by him, her, or them held or subscribed, upon payment to the treasurer of the full sum due thereon, and such certificates of stock shall be transferable at pleasure in person or by attorney, in the presence of the president or treasurer; and the assignee holding any certificate first having caused the assignment to be entered in the book to be kept for that purpose by the said trustees, shall be deemed a member of the corporation, and entitled to all the rights and privileges of an original subscriber to said stock.

Transferable.

By-laws.

SECTION 7. That the said trustees shall have power to enact such ordinances and by-laws not inconsistent with the Constitution and laws of this Commonwealth as may be necessary and proper for the government of said seminary.

Buildings.

SECTION 8. That as soon as a sufficient amount of stock shall be subscribed and paid in, the trustees herein named, or their successors, shall erect or cause to be erected in a substantial and workmanlike

SECTION 9. That it shall be lawful for the Court of Quarter Sessions of Greene county to appoint two additional supervisors for the township of Franklin, in said county, who shall hold their office and perform the various duties of supervisors until the next annual Spring election, at which time, and annually thereafter, it shall be lawful for the qualified citizens of said township to elect four supervisors instead of two, as is now allowed by law.

SECTION 10. That so much of the third article of the second section Pennsylvania of an act entitled "An Act to incorporate the Pennsylvania Fire Fire Company, Company and the Diligent Fire Engine Company, of Philadelphia," relative to, approved April first, one thousand eight hundred and thirty-one, as provides that ten members shall constitute a quorum, be, and the same is hereby repealed, and that hereafter five members shall constitute a quorum.

BENJAMIN MATTHIAS,
Speaker of the Senate.

WM. F. JOHNSTON.

No. 299.

AN ACT

To incorporate the Manheim and Lebanon Plank and Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Sheaffer, John H. Bassler, Jacob E. Cross, David B. Hostetter, John Hostetter, Henry Arndt, Benjamin M. Stauffer, Samuel Ensminger, Daniel Brandt, A. Bates Grubb, Robert Moderwell, Henry Imhoff, J. H. Kurtz, Emanuel Shober, Hiram B. Swarr, William Gleim, Clement B. Grubb, David Longenecker, G. W. Hamersly, John F. Long, Benjamin C. Bachman, Henry G. Long, Abraham Hauffman, Elias Becker, and Benjamin Mishler, of Lancaster county, Robert Evans, Peter Horst, Peter Bachman, Charles B. Forney, David S. Hammond, David M. Carmany, Cyrus Shirk, Robert Coleman, Robert W. Coleman, Levi Kline, John Weidman, George Hoffman, and Jonathan S. Beckly, of Lebanon county, or any three of them, be, and they are hereby appointed commissioners to open books, receive subscriptions,

- Style. and organize a company by the name, style, and title, of "The Manheim and Lebanon Plank and Turnpike Road Company," with power to construct a road part plank and part turnpike, or all plank or turnpike from the north end of Prussia street, in the borough of Manheim, Lancaster county, thence by the nearest and best route to the borough of Lebanon, Lebanon county, subject to all the provisions and restrictions and with all the powers and privileges contained in "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto: *Provided*, That the said company shall have the right to make use of the whole or any part of a public road between the points specified, and locate their road upon the ground now occupied by such road; and it shall be lawful for the Courts of Quarter Sessions of Lancaster and Lebanon counties to appoint viewers and vacate such parts of public roads as shall be used or rendered useless by the said company as is provided by the general road laws of this Commonwealth in the cases of roads which have become useless.
- Location. SECTION 2. That the capital stock of said company shall consist of twelve hundred shares, of twenty-five dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and carry out the true intent and meaning of this act.
- Subject to provisions of certain act. SECTION 3. That if said company shall not commence their road within three years from the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to close up the affairs and pay the debts of the company.
- Capital stock.
- Commencement and completion of road.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 300.

A N A C T

To authorize the Governor to incorporate the Wellsburg Plank Road Company, authorizing Rebecca Corbin to sell certain real estate, and for the relief of John Hanson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Guy Tracy, John F. Smith, S. Squires, H. Owens, A. Brace, C. H. Campbell, Isaac Cooley, of Bradford county, and R. C. Lockwood, and

Jud Smith, of Chemung county, State of New York, or any five of them, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of the "Wellsburgh Plank Road Company," with power to construct a plank road from the New York State line in Ridgeberry township, Bradford county, near Wellsburg, at the residence of John S. Brewer, and taking the most feasible route to be determined upon by the board of managers or directors of said company to Springfield, terminating at the county road near the residence of Aaron Thomas, in said county of Bradford, with the privilege of extending and constructing a branch of the said plank road to the Sugar creek at Burlington Corners in the township of Burlington, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two hundred shares of fifty dollars each, and that the aforesaid company may increase said capital stock according to the aforesaid general act and the several supplements thereto.

Capital stock.

SECTION 3. That it shall be lawful for said company to locate their road on any public highway: *Provided*, The consent of the road commissioners of the townships through which said road may pass shall be first obtained.

Location.

SECTION 4. That if said company shall not commence said plank road within three years, and shall not complete it within four years thereafter, according to the meaning of this act, or if after completed said company shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as may be necessary to settle and close up its affairs.

Commencement and completion of road.

SECTION 5. That Rebecca Corbin, widow and administratrix of Charles Corbin, deceased, late of Warren township, Bradford county, be, and she is hereby authorized to sell and convey a certain lot of land situated in said township, and which said Rebecca Corbin by agreement contracted to sell to Daniel Pitcher, and to make and execute a good and sufficient conveyance by deed therefore: *Provided*, Before the said conveyance is made the said Rebecca Corbin give security to the Orphans' Court of said county for the faithful appropriation of the proceeds of said sale, and that said court approve the same.

Rebecca Corbin authorized to sell certain real estate.

SECTION 6. That the Canal Commissioners be, and are hereby required to examine the claims of John Hanson, for work done on the Tunkhannock division of the North Branch canal, and ascertain and report to the Legislature what amount (if any) due said claimant under the terms of his contract.

John Hanson, relative to claim of.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 301.

A N A C T

To incorporate the Sons of Temperance Hall Association of Doylestown, in the county of Bucks, and to erect the Point Pleasant school district in said county, and relative to the claim of Henry Fogle, of Dauphin county.

Preamble.

WHEREAS, Certain citizens of this Commonwealth hereinafter named have associated together for the purpose of erecting a Sons of Temperance Hall in the borough of Doylestown, in the county of Bucks, and have with certain moneys belonging to them as members of the Oliver Branch Division of the Sons of Temperance, and contracts on credit with lumber merchants and mechanics, purchased a certain lot or piece of ground situate on the north side of State street near Broad street, in the said borough of Doylestown, and erected upon the same a hall with apartments for the use and accommodation of the division of the Sons of Temperance, and other benevolent and religious societies; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan M'Intosh, John Lewzler, Jesse Reeder, Joseph Harvey, Lester Rich, F. P. Sellers, Benjamin S. Mann, John G. Mann, John M'Intosh, Benjamin Snodgrass, Wm. Cox, Joseph Mosier, Independence Mosier, Samuel Mosier, David C. Robinson Edward S. Rapp, John Hayes, Wm. C. Eby, Samuel Hall, Thomas J. Fritzinger, Robert Winder, Hiel Gilbert, David Booz, Thomas J. Robinson, David K. Lewis, Zachariah Leidy, Joseph Johnson, Paul Brunner, Hervey Mathias, Esq., Josiah S. Moore, Rev. Samuel Nightingale, H. E. Eisenbrey, Wm. Bryan, Mahlon M. Heaton, John Walton, Augustus Swain, John Hoff, John Klein, Wm. M'Inall, John M. Potts, Samuel Heribson, George I. Rice, George Fisher, Wm. C. Dawson, and Jonas Fly, and their successors, and all persons who are now or may be hereafter associated with them, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title of "The Sons of Temperance Hall Association of the borough of Doylestown," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity and elsewhere; and shall be able and capable in law and equity to take and hold to them and their successors, either by gift, grant, devise, or lease, any lands or real estate for the use of the said association, any goods and chattels, sum or sums of moneys by gift, grant, bargain and sale, will, devise, or bequest from any person or persons whatsoever capable of making the same; and the same at their pleasure to grant, bargain, and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of three thousand dollars: *And provided also*: That the debts already contracted by the

Style.

Privileges.

persons, and for the purposes hereinbefore mentioned, shall be assumed by the said "The Sons of Temperance Hall Association of the borough of Doylestown," who shall pay the interest now due or that may hereafter become due on the same, and redeem or pay off the same whenever they shall respectively become due and payable, the liability of the said association for the payment of the said debt to be the same as if they had been contracted by the said association in virtue of law: *And provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of land and the hall thereon erected shall be vested in "The Sons of Temperance Hall Association of the borough of Doylestown," as fully, to all intents and purposes, as the same is held by the persons hereinbefore mentioned or any of them.

SECTION 2. That said association (to enable them to pay off the debts already contracted, and to finish the basement of the said hall) shall have power and authority to borrow on the credit of the association any sum or sums of money not exceeding in the whole nine hundred dollars, and to secure the re-payment of the same with its interest by mortgage on the real estate belonging to the association or otherwise.

Authorized to borrow money.

SECTION 3. The stockholders shall meet annually on the last Thursday in March, and choose by ballot five trustees, any three of whom shall form a quorum, who shall serve until their successors are elected; A majority of the whole number of votes polled shall constitute a choice. and in the event of a failure to elect any of the said trustees at any regular election, or in case there shall be a vacancy or vacancies in the board of trustees, growing out of any cause whatever, such action shall be taken as the said corporation shall by its by-laws provide. At the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary, and treasurer, and such other officers as the business of the corporation may require: *Provided*, That the trustees and officers now managing the affairs of the said Sons of Temperance Hall Association shall continue as trustees and officers of the corporation hereby created till the regular election shall be held as before provided.

Annual meeting of stockholders.

SECTION 4. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter, and renew, as they may think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted and as herein expressed.

Seal.

SECTION 5. That the government of the said association, and the management and disposition of its affairs and property, shall be vested in the said board of trustees.

Management of affairs.

SECTION 6. That the corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this Commonwealth.

By-laws.

SECTION 7. That the Legislature hereby reserves the right to alter, revoke, or annul the charter of the said "The Sons of Temperance Hall Association, of the borough of Doylestown," whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner however that no injustice shall be done to the corporators thereof.

Reservation.

SECTION 8. That the village of Point Pleasant and its vicinity, in the townships of Tinicum and Plumstead, in the county of Bucks, is hereby erected into a separate school district to be called Point Pleasant School District, and as such shall have power to elect all such officers, and have all the rights and privileges granted by law to other school districts; and the elections thereof shall be held at the School House in the said village on the fourth Saturday in April in each year

Point Pleasant, Bucks county, erected into a separate school district.

between the hours of four and seven o'clock, P. M.; and the qualified citizens within the bounds of said district shall at their first election elect six directors for the said district, two to serve for one year, two to serve for two years, and two to serve for three years; the said election to be conducted by two qualified citizens chosen by said citizens qualified to vote as shall be present at the time of opening said elections, and the successors of said directors shall hereafter be elected in the manner provided by law in other school districts.

Commissioners
to lay out said
school district.

SECTION 9. That Isaiah James, John Blackfan, and Benjamin S. Rich, of Bucks county, be, and they are hereby appointed commissioners to lay out and designate the boundaries of the Point Pleasant School District.

Henry Fogle,
relative to
claim of.

SECTION 10. That the Canal Commissioners of this Commonwealth be, and they are hereby directed to ascertain the amount of damages, if any, done the flouring mill and property of Henry Fogle, situated in the village of Highspire, Dauphin county, by reason of backwater from the tail race and stream that feeds the said mill, occasioned by the incapacity from bad construction and accumulation of mud and other obstructions in the culvert under the Pennsylvania canal and through which the water from the said tail race and stream feeding the said mill passes, and they are hereby authorized to report to the Legislature the facts together with the amount of the damage so ascertained, if any.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 302.

AN ACT

To authorize Sarah Y. Graeff, administratrix, et cetera, of Joseph Graeff, late of the Northern Liberties, in the county of Philadelphia, deceased, to sell and convey certain real estate, and to incorporate the West Philadelphia Gas Company.

Administratrix
of Joseph Graeff
authorized to
sell certain real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Sarah Y. Graeff, administratrix, et cetera, of Joseph Graeff, late of the county of Philadelphia, deceased, be, and she hereby is authorized and empowered to sell and dispose of at public or private sale at such price or prices as she may deem expedient and most conducive to the interests of said estate, all or any of the following yearly ground rents of which the said Joseph Graeff died seised, to wit: one of them of thirty-

six dollars per annum, payable by Henry Sease, his heirs and assigns, out of all that certain lot or piece of ground situate on the east side of Orchard street at the distance of thirteen feet eleven inches southward from Jackson street, in the Northern Liberties, in the county of Philadelphia, thirteen feet eleven inches front on the said Orchard street by thirty-four feet in depth; one other of them of thirty-six dollars per annum, payable by Henry Sease, his heirs and assigns, out of all that certain lot or piece of ground situate on the south side of Jackson street at the distance of forty feet westward from Apple street, in the Northern Liberties aforesaid, thirteen feet seven inches in front on the said Jackson street, by forty-one feet three inches in depth; one other of them of forty-eight dollars per annum, payable by John Dobbins, his heirs and assigns, out of all that certain lot or piece of ground situate on the west side of the Germantown road at the distance of two hundred and twelve feet northward from Master street, in Kensington, in the county of Philadelphia, twenty feet in front on the said Germantown road, and in depth on the north line seventy-three feet two inches and seven-eighths of an inch, more or less, and on the south line seventy-six feet eleven inches and a-quarter, more or less, to Charlotte street; one other of them of twenty-four dollars per annum, payable by James Yocum, his heirs, and assigns out of all that certain lot or piece of ground situate on the south side of Citron street at the distance of one hundred and seven feet eight inches and seven-eighths of an inch eastward from Thirteenth street, in the district of Spring Garden, in the county of Philadelphia, sixteen feet front on the said Citron street, and in depth on the west line fifty-eight feet three inches and seven-eighths of an inch, and on the east line fifty-seven feet eleven inches and five-eighths of an inch; one other of them sixty-three dollars per annum, payable by Horatio Jones, his heirs and assigns, out of all that certain lot or piece of ground situate on the east side of the Old York road at the distance of one hundred and nineteen feet northward from George street, in the Northern Liberties aforesaid, eighteen feet in front on the said Old York road by one hundred and thirty-eight feet in depth to a twenty-foot wide alley or court; and the other of them of thirty-three dollars and seventy-five cents per annum, payable by Jacob Henry Day, his heirs and assigns, out of all that certain lot or piece of ground situate on the west side of the Germantown road at the distance of two hundred and seventy-two feet northward from Master street, in Kensington, in the county of Philadelphia, fifteen feet in front on the said Germantown road, and in depth on the north line sixty-two feet eleven inches, and on the south line sixty-five feet eight inches and five-eighths of an inch, to Charlotte street, and to grant and assign the said yearly ground rents, or any of them, to the purchaser or purchasers thereof, his, her, or their heirs and assigns forever, who shall not be responsible for the application of the purchase money thereof; and that it shall and may be lawful for the said administratrix to apply the moneys arising from such sale to the payment of the balance due for the erection of a certain brick messuage by the said administratrix on a lot of ground at the south-east corner of Callowhill and Water streets, in the Northern Liberties, in the county of Philadelphia, of which the said Joseph Graeff died seised; and also for the erection of another brick building on the adjoining lot of ground on Callowhill street, of which the said Joseph Graeff also died seised, and that the said administratrix shall be allowed credit for all such payments, as well as those heretofore made by her on account of said building, on the settlement of her administration account of the said estate: *Provided*, Before the said administratrix shall receive any of

the purchase money, she shall give bond to this Commonwealth, with surety to be approved by the Court of Common Pleas or Orphans' Court for the county Philadelphia, for the faithful application of the same, agreeably to this act: *And provided further*, That said court shall approve and confirm such sale or sales.

SECTION 2. That Thomas Allibone, Henry Leech, Robert L. Martin, Commissioners, James M. Linnard, Philip Lowry, senior, Henry Pleasants, J. F. Knorr, Edward T. Smith, A. C. Garvin, C. M. Eakin, J. F. Vodges, Samuel R. Reed, Silas Suplee, Theodore Wiltberger, James Coxey, John R. Hoopes, Benjamin Sage, Joseph S. Keen, Perry Litzenberg, Hugh Mellvaine, Edward F. Gay, William Rose, junior, C. C. Pierson, Rufus Bicknell, Jacob Rose, Owen Hughes, William W. Keen, William D. Kelley, Jacob Broom, James T. Crabb, Robert Hansell, Oliver Stevens, William M. Evans, and John T. Husler, of the district of West Philadelphia, county of Philadelphia, or any five of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, that they shall procure a suitable book and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the West Philadelphia Gas Company the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to incorporate the West Philadelphia Gas Company." Witness our hands this _____ day of _____ in the year one thousand eight hundred and fifty-one;" and shall thereupon give notice in two or more newspapers published in the city of Philadelphia for two weeks at least, of the time and place when and where the said book shall be kept open to receive subscriptions to the stock of the said company, at which time and place one or more of said commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in said book in their own names or in the names of any other persons who shall authorize the same for shares in said stock; and the said book shall be kept open for the said purpose at least six hours in each judicial day for the space of five days, or until there shall have been subscribed one thousand shares; and if at the expiration of five days the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the said book elsewhere until the whole number of four thousand shares be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall have been subscribed then the book shall be closed.

SECTION 3. That when two thousand shares of the stock shall have been subscribed, and the sum of five dollars paid on each and every share, the commissioners who have acted, or a majority of such, shall certify to the Governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each and the sums paid thereon; whereupon the Governor shall, by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate in deed and in law, by the name and style of "The West Philadelphia Gas Company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be

sued, implead and be impleaded, in all the courts of record and elsewhere; and by the said name the said corporation shall have power to manufacture and sell gas, to be made from bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places in the district of West Philadelphia, and to purchase, have, hold, receive, and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estate, real and personal, or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien, or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal and the same to alter or renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of this corporation, not being contrary to the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other privileges, liberties, or franchises but such as may be necessary or incident to the making of gas and the distribution thereof for the purposes of illumination in the district of West Philadelphia: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than the construction thereon of the necessary works, store-houses, and offices of the said company.

Privileges.

SECTION 4. That the said commissioners, or any five of them, shall as soon as conveniently may be after the said letters patent shall have been obtained, give at least two weeks' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers by ballot, to be given in person or by proxy (which proxy shall have been obtained and bear date within four weeks previously to the election at which such proxy shall be presented) duly authorized, one president and nine managers and one treasurer. The president and managers and treasurer so chosen shall conduct the business of the company from the time of their election as aforesaid until others are chosen to supply their places at next annual meeting of the stockholders occurring thereafter, as herein-after mentioned; and the said president and managers may make such by-laws, rules, and regulations as are not inconsistent with the laws and Constitution of this State and of the United States, and as may be necessary for the due management and ordering the affairs of the said company.

Organization.

SECTION 5. That the stockholders shall meet on the second Monday of August next succeeding the organization of the said company as provided for in the preceding section of this act, and subsequently on the same day and month in every ensuing year, at such a place as may be fixed upon by the by-laws—of the time and place of which meeting notice shall be given at least two weeks previously in the newspapers aforesaid, and choose by ballot, by a majority of the votes present, their officers for the ensuing year as mentioned in the third section of this act; which officers so elected shall continue in office for one year, or until a new election shall be had, and the stockholders shall also meet at such other times, either upon the requisition of the managers or of any stockholders who own in the aggregate one hundred shares,

Annual meeting
of stockholders.

Powers.

as they may be summoned to meet by the said managers or stockholders, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter, or repeal by a majority of votes present, in manner aforesaid, all such laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled at all elections and upon all questions submitted to any annual or special meeting of the stockholders shall be according to the number of shares he or she shall hold, in the proportions following; that is to say, for each share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, for every five shares above ten shares one vote to the extent of twenty-seven votes, which shall be the highest number of votes to which any stockholder shall be entitled, whatever may be the number of shares of stock held by such stockholder; and no share shall confer a right of voting which shall not have been held two calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his or her own right, or in the right of his wife or for his or her sole use and benefit as an executor, administrator, trustee, or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member: *Provided*, That no person shall be permitted to vote at the first election of the said company unless he or she has fully paid five dollars on each share of stock by him or her subscribed as directed by the second section of this act; and at all subsequent elections of the said company no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

Mode of conducting elections.

SECTION 6. That the election of officers provided for in the fourth section of this act shall be conducted in the following manner; that is to say, the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, who before undertaking to act shall severally take and subscribe an oath or affirmation before a justice of the peace or alderman well and truly according to conduct such election to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters; and when the election is closed (which shall be and remain open at the office of the company in the district of West Philadelphia, from ten o'clock A. M., until three o'clock P. M.,) shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected; and if it shall at any time happen that an election of president or managers and treasurer shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president or managers and treasurer on the same day or any other day thereafter, giving at least ten days' notice, signed by the president, in the newspapers before mentioned, of the time and place of holding such election, and they are hereby required so to do at least once in every twenty days, until the requisite officers are chosen, and the president and managers and treasurer of the preceeding year shall in that case continue to act and be invested with all powers belonging to their respective stations, until an election shall take place. In case of the death

or resignation or removal from the State, of any president, manager, treasurer, or other officer, his place shall be filled by the board of managers until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected president or managers.

SECTION 7. That the president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, five of whom shall be a quorum, who in the absence of the president may choose a chairman and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed they shall have full power and authority to buy land for a site for the gas works and erect the same, to appoint all such architects, surveyors, chemists, superintendent, and other artists and officers as they shall deem necessary to construct and carry on the intended gas works, and to fix their salaries and wages; to enter into and execute contracts or covenants in relation to the object of said corporation, and to enforce the same; to ascertain the time, manner, and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for money, which orders shall be signed by the president or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters, and things, as by this act and the by-laws and regulations of the company they are authorized to do.

Meeting of president and managers.

SECTION 8. That the president and managers first chosen shall procure certificates of evidence of stock for all the shares of the said company, and shall deliver one such certificate signed by the president and countersigned by the secretary and sealed with the common seal of the said corporation to each person for such share or shares as by him are subscribed and held, which certificate or evidence of stock shall be transferable at pleasure in person or by attorney duly authorized in the presence of the president or secretary in a book to be kept by the said corporation for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate transferred as aforesaid shall be a member of said corporation, and for every certificate assigned to him as aforesaid shall be entitled to a share or shares as is therein mentioned of the capital stock of all the estates and emoluments of the corporation incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share as the original subscriber would have been.

Certificates of stock.

Transferable.

SECTION 9. That if after twenty days' notice in the public papers as aforesaid of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the works of the said company, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for the delay of such payment; and if the same and the additional penalty shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sum or sums before paid in part, and on account of such share or shares, the same shall be forfeited to the said company and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; that in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or

Forfeiture of stock.

in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid; that in case of the transfer or assignment of any share or shares on which default has been made as aforesaid, the president and managers of the said corporation may bring suit as aforesaid either against the person who assigned or transferred the said share or shares, or the person to whom such transfer or assignment was made, for the recovery of any unpaid instalment together with the penalty aforesaid.

Dividends.

SECTION 10. That the managers shall declare dividends of so much of the nett profit of the company as shall appear to them advisable on the first Mondays of June and December in every year, which shall be paid to the stockholders on demand ten days after the same shall have been declared: *Provided*, That no dividend shall be declared or paid to the stockholders when such payment would render the corporation insolvent or make its solvency doubtful.

Authorized to borrow money.

SECTION 11. That the president and managers of this company are hereby authorized and empowered, should the same be deemed necessary, to borrow any sum or sums of money in their corporate capacity not exceeding ten thousand dollars, for the purpose of aiding them in the construction of their works and to secure the payment of the same, shall execute a mortgage upon their works and real estate in favor of the person or persons who may have the same, which mortgage shall be executed, signed, and sealed with the seal of the corporation by the president of the company, and delivered under the direction of the board of managers agreeably to the terms of the loan; and the said president and managers shall provide for the payment of the interest upon any loan made under this section out of the receipts for gas before any dividend shall be paid to the stockholders.

Statement of affairs.

SECTION 12. That in the month of December annually, the managers shall submit to the stockholders a written statement under the oaths or affirmations of three of their number, of the amount of capital stock paid in, and the amount of all existing debts against the company, which statement shall show also how the money paid in by the stockholders upon their shares has been appropriated, and the receipts and expenditures for each year up to the time of making the said statement; and in short, shall be a full and satisfactory exhibit of the financial condition of the corporation.

Power to erect gas posts, &c.

SECTION 13. That the company shall have power and authority, and is hereby empowered and authorized to erect gas posts or lamps, burners, and reflectors, and to dig such trenches in and along and across the public streets, lanes, alleys, and side-walks in the district of West Philadelphia, for the purpose of laying their pipes for the distribution of gas as the company may deem necessary, and may enter into such lands and enclosures as may be necessary, and dig trenches through and across them for the same purpose, doing as little damage as possible to private property, and paying for whatever injury may be done by them; and if the parties cannot agree on the amount of damages, the same shall be assessed by three disinterested men on oath, to be appointed by the Court of Common Pleas of Philadelphia county on the application of either party, and the said company shall have the like privileges as to the re-laying or taking up or repairing the said pipes; as often as the same may be necessary: *Provided*, That the said company shall fill up said trenches, and restore the said streets, lanes, alleys, and side-walks, and the private property as aforesaid, to as good a condition as they were respectively in before the said trenches were dug at the proper cost and expense of the said company.

SECTION 14. That if any person or persons shall open a communication into the street, gas, main, or other gas pipe of the said company, without authority from the inspector or other authorized agents of the said company, or shall let on the gas after it has been stopped by order of the said inspector or other authorized agent of the said company for repairs or any other cause or purpose, or shall put up any pipes or burners, or in addition to the pipes or burners originally put up and inspected, and introduce the gas into them without authority as aforesaid, he, she, or they shall be subject to a penalty of not less than ten nor more than fifty dollars for each and every such offence, to be recovered as debts of a like amount are recoverable in law, one-half to be paid to the informer and the other half to the said company.

Communication into the street gas main pipe, to prevent.

SECTION 15. That if any person shall wilfully do or cause to be done any act or acts whatsoever, whereby any building, construction, or works of said company, or any gas pipe, gas post, or lamp burner, or reflector, or any matter or thing appertaining to the same shall be stopped, obstructed, injured, or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and being thereof indicted and convicted in the Court of Quarter Sessions, shall be punished by fine not exceeding one hundred dollars or imprisonment not exceeding one year, or both at the discretion of the court: *Provided*, Such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid by and in the name of the said corporation, in any court in this State having cognizance of the same.

Injury to works, penalty for.

SECTION 16. That the treasurer to be elected by the stockholders as aforesaid shall be a stockholder in the company, and shall give a bond to the said corporation with sufficient sureties to the satisfaction of the president and managers of said company, conditioned for the faithful performance of the duties of his office; and he shall also sign the certificates of stock in the said company, together with the president and secretary, as provided for in the seventh section of this act.

Treasurer to give bond.

SECTION 17. That if the said corporation shall not carry into operation the objects of their charter within three years from the passage of this act, then the said charter shall become null and void.

Commencement of operations.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 303.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Lewisville and Prospectville Turnpike Road Company in Montgomery county, and relative to certain State roads in Allegheny and Washington counties, and in Luzerne, Schuylkill, and Columbia counties, and relating to the first United States Bank and Court of Quarter Sessions," approved April twenty-second, one thousand eight hundred and fifty, and relative to lateral railroads and county commissioners in Allegheny county, to incorporate the New Castle and Enon Valley Plank Road Company in Lawrence county, changing the word Beaver to that of Lawrence in a certain act approved the twenty-sixth of April, one thousand eight hundred and fifty, and relative to the claim of Jacob Rheem and Daniel Beelman, and to the estate of Mary Ann Taylor, late of the city of Philadelphia, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Pay of viewers,
&c., on a certain
State road in
Allegheny and
Washington
counties.

the viewers, surveyors, and chain-carriers appointed to review part of a State road in Allegheny and Washington counties, by the fourth, fifth, sixth, seventh, and eighth sections of the act to which this is a supplement, be entitled to receive their daily pay in the same manner and to the same extent as if they had performed said service on or before the first day of September, one thousand eight hundred and fifty.

Review of said
road.

SECTION 2. That Hiram Hultz and Robert Bigham, of Allegheny county, and James Huey, of Washington county, be, and are hereby appointed viewers to re-view said road, with all the authority, rights, and privileges given by the original act, and that they be required to make report previous to the first day of December, one thousand eight hundred and fifty-one.

Toll on lateral
railroads in
Allegheny
county.

SECTION 3. That it shall and may be lawful for the proprietors of lateral railroads in the county of Allegheny to charge and receive from all persons using their respective roads such toll as is charged by the railroads throughout this Commonwealth, in addition to the tolls they are now empowered to receive.

Bridges in Alle-
gheny.

SECTION 4. That the county commissioners of Allegheny county are hereby authorized to repair all bridges which have been or may be built by said county.

Commissioners.

SECTION 5. That Jonathan Ayres, John Simpson, James T. Robinson, Joseph Emery, John Furgison, Henry Pearson, D. McCourtney, William Dickson, Joseph Kissick, John Nesbit, John Wilson, David Ramsey, and John Hull, be, and they or any five of them are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The New Castle and Enon Valley Plank Road Company," with power to construct a plank road, commencing at the borough of New Castle, in Lawrence county, and running through said county so as to intersect the Ohio and Pennsylvania Railroad at the most eligible point on said railroad, in Lawrence county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto.

Style.

Location.

Subject to pro-
visions of cer-
tain act.

SECTION 6. That the capital stock of the said company shall consist of fifteen hundred shares, of twenty dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may in their opinion be necessary to carry out the true intent and meaning of this act. Capital stock.

SECTION 7. That the road shall consist of a track of not less than eight nor more than fourteen feet wide, with power to lay a double track on any part of the road not more than ten feet wide each, if the company see proper at any time to do so. Tracks.

SECTION 8. That the said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road. Tolls.

SECTION 9. That if the said company shall not commence the construction of the said road in three years, and complete the same within six years from the passage of this act, then the sections of this act incorporating said company shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of said company. Commence-
ment and com-
pletion of road.

SECTION 10. That the word "Beaver," where it occurs in the second line of the tenth section of an act entitled "A supplement to the road laws of this Commonwealth, and to incorporate the Mutual Fire Insurance Company, of Lawrence county," approved the twenty-sixth day of April, one thousand eight hundred and fifty, shall be taken and construed to read "Lawrence." The word
"Beaver" in a
certain act of
Assembly
changed to
"Lawrence."

SECTION 11. That the Canal Commissioners be, and they are hereby authorized and required to investigate the claims of Jacob Rheem and Daniel Beelman for losses sustained in the destruction of cars and store goods on the State railroad near Coatesville, in the month of October or November, in the year one thousand eight hundred and forty-nine, and report the amount of damages sustained by them, or either of them, if any, together with the facts to the Legislature. Jacob Rheem
and Daniel Beel-
man, Canal
Commissioners
to examine
claims of.

Whereas, Mary Ann Taylor, late of the city of Philadelphia, widow, by her last will and testament bearing date the thirteenth day of April, Anno Domini, one thousand eight hundred and twelve, duly proved and remaining of record in the office for the Register of Wills for the city and county of Philadelphia, did amongst other things will that at the decease of her beloved mother Catharine Hermstad, her half of a house and lot fronting on Elbow lane, at the corner of Biddle's alley, running northerly forty-four feet, should be kept for her lawful heirs Ann Loxley Taylor, Elizabeth Williams Taylor (now Elizabeth Williams Moore), and Mary Ann Taylor (now Mary Ann Jones), for them to have and enjoy all the rights and emoluments arising therefrom, but on no condition whatever to be disposed of during their lives; in case they should not have any lawful heirs, then to descend to the next heir or heirs of the family. The said Catharine Hermstad and the said Ann Loxley Taylor have both since departed this life, whereby the title to the said premises has become vested in the said Elizabeth Williams Taylor (now Elizabeth Williams Moore) and Mary Ann Jones (late Mary Ann Taylor), subject to the aforesaid prohibition not to be disposed of during their lives. Preamble.

And whereas, The said premises being old, dilapidated, and unproductive, it would be to the interest of the said devisees to sell and dispose of the same, that they may invest the proceeds thereof in some more profitable investment; therefore,

Elizabeth Moore and Mary Ann Jones authorized to sell certain real estate. SECTION 12. That the said Elizabeth Williams Moore (late Elizabeth Williams Taylor) and Mary Ann Jones be, and they are hereby authorized and empowered to sell and dispose of the said house and lot situate on the north-west corner of Elbow lane and Biddle's alley, containing in front or breadth on the said Elbow lane sixteen feet, and extending in depth forty-four feet, bounded on the north by ground formerly of Ebenezer Large, on the east by a six-feet wide alley called Biddle's alley, on the south by Elbow lane, and on the west by ground of Charles Pemberton and Esther his wife, excepting and reserving the right of the said Charles Pemberton and Esther his wife, if any they have, the privilege of a three-feet wide alley on the north or any part thereof, and to seal, execute, and deliver all such deed or deeds of conveyance as shall be necessary to grant and assure the same to the purchaser or purchasers in fee simple; which deed or deeds when so executed shall vest all the right, title, and estate which the said Mary Ann Taylor the mother had in the said premises, at and immediately before the time of her decease in such purchaser or purchasers thereof in fee simple: *Provided*, That before said sale said trustee or trustees shall give security, to be approved of by the Orphans' Court of said county, for the faithful appropriation and re-investment of the said purchase money: *And provided*, That the said court shall approve of and confirm said sale or sales.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 304.

AN ACT

Relative to the estate of Alexander Macdonald, deceased, and to incorporate the Presbyterian Institute of the Presbytery of Philadelphia.

Preamble.

WHEREAS, The estate of Alexandar Macdonald, late of the city of Baltimore, deceased, who died Anno Domini, one thousand eight hundred and thirty-six, is by the existing laws of this Commonwealth subject to a collateral inheritance tax of two and a-half per cent. with interest, from the death of the said Alexander Macdonald, at the rate of twelve per cent. per annum;

And whereas, Robert Lemmon, of the said city of Baltimore, executor of the said Alexander Macdonald, deceased, had no knowledge or information of the existence of any such collateral inheritance tax against the estate of the said Alexander Macdonald until as late as the month of August or September last past;

And whereas, The late enactment of this Commonwealth on this subject, dated the the tenth day of April, Anno Domini, one thousand eight hundred and forty-nine, in regard to the payment of interest of twelve per cent. per annum, was designed to punish and prevent wilful negligence and dishonesty, and not intended to effect injuriously those who were ready to comply with the laws of the Commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the register of Franklin county is hereby authorized and required to settle the collateral inheritance tax against the estate of the said Alexander Macdonald, situate in said county of Franklin, with Robert Lemmon the executor, at two and a-half per cent. with interest from the date of the death of the said Alexander Macdonald, at the rate of six per cent. per annum.

Register of Franklin county authorized to settle certain collateral inheritance tax.

SECTION 2. That there shall be, and hereby is established in the city of Philadelphia, an academy for the education of youth in literature, science, and the useful arts, by the name and style of "The Presbyterian Institute of the Presbytery of Philadelphia," in connection with the General Assembly of the Presbyterian Church in the United States of America, commonly called Old School.

Privileges.

SECTION 3. That the trustees of the said academy shall for the time being and until others shall be appointed in the manner hereinafter directed, consist of the following named persons, to wit: John McDowell, D. D., Henry A. Boardman, D. D., J. H. Jones, D. D., Thomas L. Janeway, D. D., Reverend William Henry Green, Reverend John Miller, Matthew Newkirk, James N. Dickson, Joseph P. Engles, G. B. Dungan, A. W. Mitchell, Hon. Joel Jones, which said trustees and their successors shall be and are hereby declared to be a body corporate and politic, by the name and style of "The trustees of the Presbyterian Institute of the Presbytery of Philadelphia," and by the same name they shall have perpetual succession, and shall be capable in law to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and equity to take and to hold to them and to their successors for the use of the said academy, lands, tenements, hereditaments, goods, chattels, rights, interests, and effects, of any kind, nature, and quality whatsoever, by gift, grant, bargain and sale, conveyance, assurance, will, testament, devise, or bequest, from any person or persons whatsoever capable of making the same; and the same from time to time to grant, bargain, sell, demise, alien, lease, and dispose of for the use of the said academy. And they shall have power to erect such building or buildings as may be necessary for the purposes of the said institution, and power also to do all and singular the matters and things necessary, proper, and lawful to be done for the well being of the said academy, and the due management and well ordering of the affairs thereof: *Provided,* That the yearly value of the lands and tenements to be taken and holden as aforesaid shall not exceed the sum of ten thousand dollars.

Trustees.

Style.

Privileges.

SECTION 4. That the Presbytery of Philadelphia, at its regular Spring meeting in the year one thousand eight hundred and fifty-two, shall elect by ballot four trustees for three years in the place of the first two ministers and first two lay members of the above-named trustees; and in like manner at the Spring meetings in one thousand eight hundred and fifty-three and one thousand eight hundred and fifty-four, they shall elect four trustees each year in the place of the residue of the

Election of trustees.

above-named trustees, and thereafter at the regular Spring meeting the Presbytery shall elect four trustees for the three years. The trustees whose term of service expires shall be eligible for re-election; at each election two ministers and two lay members shall be chosen.

Powers.

SECTION 5. That the trustees of the said academy and their successors shall have power and authority to make and use a common seal, and to alter and change the same at pleasure.

Annual meeting of trustees.

SECTION 6. That the said trustees shall hold their first meeting on the second Thursday of May in each succeeding year; they shall have power to make all by-laws necessary or proper for the government of the said academy and for the regulation of their own proceedings: *Provided*, The same shall not be inconsistent with the Constitution and laws of this Commonwealth; and also for their own body to elect a president, a treasurer, and secretary, and such other officers as the convenient arrangement of the affairs of the said corporation may require.

Further powers of trustees.

SECTION 7. That the said trustees and their successors shall have power also to meet from time to time whenever and so often as the interests of the said academy may require, in such manner and according to such regulations as they may by their by-laws direct. They shall have power at any meeting to appoint such officers, professors, masters, and tutors as may be necessary or proper for the instruction of the children and youth admitted into the said academy, and to attain in the best manner the object of the said institution on such terms and conditions as may be agreed upon between them and the persons so to be appointed, and they shall have power also to do all such other acts and transact all such other business as the proper management of the funds and the general interests and concerns of the said corporation may require.

Misnomer.

SECTION 8. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest to the said corporation: *Provided*, The intent of the party making the same shall sufficiently appear on the face of the will, gift, grant, or other writing, whereby an estate or interest was intended to be given or passed to the said corporation.

By-laws.

SECTION 9. That all by-laws, ordinances, and proceedings of the said corporation shall be plainly and regularly entered in a book to be kept for that purpose, and shall be liable to the inspection of the presbytery of Philadelphia at all times.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 305.

AN ACT

To confer on Alexander Thomas and Budd Jones and Emma Downing, of Allegheny county, the rights and privileges and advantages of children born in lawful wedlock, in relation to a tax on dogs in the said county of Allegheny, incorporating the West Newton and Braddocks' Field Plank Road Company, relative to fishing with nets in the Monongahela river, authorizing constables to serve civil process in Germantown, relative to miners in Schuylkill county, legitimatizing James C. Collins, relative to the premium on fox scalps in the county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Alexander Thomas and Budd Jones, of Allegheny county, illegitimate sons of Thomas Jones and Margaret B. his wife, and that the said sons shall have and enjoy all the rights, privileges, benefits, and advantages of legitimate children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever as fully and completely, to all intents and purposes, as if they had been legitimate children of the said Thomas Jones and Margaret B., now the wife of said Jones, as children born in lawful wedlock. Alexander, Thomas and Budd Jones legitimatized.

SECTION 2. That the assessors of the several townships, boroughs, and wards in the county of Allegheny, shall annually when taking the names of the taxable inhabitants of their respective townships, boroughs or wards, take an accurate account of all dogs upwards of one month of age, male or female, owned, possessed, or kept by any person or persons within their respective townships, boroughs, or wards, noting the number owned or possessed by any person or persons and kept about any one house, and furnish to the auditors of their respective townships, boroughs, or wards, with the said account; whereupon the auditors of the said townships, boroughs, or wards shall levy and cause to be collected annually by the collectors of the State and county tax, who are hereby invested with like authority and power to collect said tax on dogs as are the collectors of township rates and levies, from every person owning, possessing, or keeping more than one dog, the sum of fifty cents for the second, and one dollar per head for all above two; which tax shall be paid to the town clerk of the proper township, borough, or ward, who is hereby constituted treasurer of said fund, whose duty it shall be to pay out on warrants issued and signed by at least two of the auditors of said districts. And when any inhabitants of any of the said districts shall sustain damage by having sheep injured or destroyed within the same by a dog or dogs, he or she may apply to the auditors of the said district, who are hereby appointed appraisers of the damage done by the dogs to sheep, and they or any two of them are hereby authorized and required to ascertain the amount of damage sustained by the owner of such sheep injured or destroyed as aforesaid, and certify the same. Assessors of Allegheny county authorized to take account of dogs, &c.

SECTION 3. That the second, third, and fourth sections of an act entitled "An Act laying a tax on dogs in certain townships in the county of Chester, relative to elections in West Philadelphia, and to Provisions of certain act extended to Allegheny county.

assessors in Millerstown, Perry county," approved the eleventh day of March, one thousand eight hundred and fifty, be, and the same is hereby extended to the county of Allegheny.

Commissioners. SECTION 4. That General William Larimer, Jr., Robert Milligan, William L. Miller, William G. Hawkins, Perry Baker, William A. Shaw, Hugh Roland, David Coon, Alexander Melhaffey, Alexander Miller, C. O. Loomis, Robert Robb, and George A. Bogard, of the county of Allegheny, and John C. Plumer, Hon. James Bell, Cyrus P. Markle, Joseph Stokely, John Starner, Benjamin Guffey, George Gilbert, Moses Robins, Jacob Wilson, and Andrew Christy, of the county of Westmoreland, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The West Newton and Braddock's Field Plank Road Company," with power to lay out and construct a plank road from West Newton in the county of Westmoreland, to connect with the Pittsburgh and Braddock's Field plank road by the nearest and most practicable route, with all the authorities and subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto.

Style.

Location.

Subject to provisions of certain act.

Capital stock. SECTION 5. That the capital stock of said company shall consist of sixteen hundred shares, at twenty-five dollars per share each, with power however to the said company to enlarge the same from time to time by new subscriptions, in case such enlargement shall be deemed necessary for the purpose of accomplishing the objects of this charter.

Tolls. SECTION 6. That it shall be lawful for said company to erect and set up a gate or gates and to levy and collect tolls from persons traveling along or otherwise using the said road at the rates prescribed in the act regulating turnpike and plank road companies already referred to, and without further license as soon as they shall have completed the first.

Fishing with nets in the Monongahela river, relative to. SECTION 7. That the fifth section of the act to prevent the destruction of fish and game in certain counties, and relative to the destruction of foxes in Centre county, approved April second, one thousand eight hundred and fifty, is hereby declared to extend to and prohibit the use of any draw or slip net during the months of April, May, June, July, August, and September of each year, under and subject to all the penalties provided in the act passed twelfth of February, one thousand eight hundred and forty-two, to protect fish in the Ohio, Allegheny, and Monongahela rivers.

Emma Downey legitimated. SECTION 8. That Emma Downey, daughter of John Downey, late of Allegheny, deceased, shall have and enjoy all the privileges and rights of a child born in lawful wedlock; and that she shall be able and capable in law to take, receive, hold, inherit, and possess and transmit all and every estate, real and personal, of whatever kind or nature, and the rents, issues, and profits arising, accruing, or that have arisen or accrued out of and from such estate, as fully and effectually, to all intents and purposes, as if she had been born in lawful wedlock.

Town constable of Germantown, additional powers granted to. SECTION 9. That nothing in any act heretofore passed shall be so construed as to allow the town constable of the borough of Germantown, in the county of Philadelphia, to execute civil process.

Miners in Schuylkill county, relative to. SECTION 10. That the limit of fifty dollars contained in the first and second sections of the act of Assembly of February nineteenth, one thousand eight hundred and forty-nine, entitled "An Act for the protection of minors, mechanics, and laborers," be, and is hereby extended to one hundred dollars, as far as refers to the county of Schuylkill.

SECTION 11. That James C. Collins, son of James Collins, of Fay- James C. Collette county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 306.

AN ACT

To incorporate the Cash Mutual Fire Insurance Company of Pennsylvania, and to authorize the laying out of a State road from Washingtonville to Muncy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Nathaniel B. Eldred, of Wayne county, J. K. Moorhead, of Allegheny, James Burns, of Mifflin, John C. Knox, of Armstrong, J. G. Brenner, of Philadelphia, Amos E. Kapp, of Northumberland, Gordon F. Mason, of Bradford, R. T. Galloway, of Fayette, Isaac G. M'Kinley, John C. Bucher, Charles E. Hiester, Rudolph F. Kelker, William Colder, junior, David Mumma, junior, Isaac Updegrove, Samuel W. Hays, Robert J. Fleming, Elias E. Kinzer, and John Ninninger, of Dauphin, Jacob S. Haldeman, of York, John Zug, of Cumberland, Edward Nicholson, of Bucks, Thomas Gillespie, of Luzerne, John T. Hoover, of Centre, Alonzo I. Wilcox, of Elk, L. A. Mackey, of Clinton, John Hastings, of Jefferson, J. D. Leet, of Washington, J. L. Reynolds, of Lancaster, Henry H. Frey, of Lancaster county, and all other persons who may hereafter be associated with them in the manner hereinafter prescribed, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style, and title, of "The Cash Mutual Fire Insurance Company of Pennsylvania;" and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, have, hold, and enjoy to them and their successors, lands, tenements, rents, annuities, franchises, and hereditaments, goods and chattels of whatsoever kind, and choses in action, and the same to sell and dispose of from time to time; and also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain, establish and put in execution, such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the corporation and for the management of its property and the regulation of its affairs, not being contrary to

Corporators.

Style.

Privileges.

this charter or the laws of this Commonwealth or of the United States, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well-being of said corporation.

Commissioners, meeting of. SECTION 2. That the above-named persons are hereby constituted commissioners, who or any five of whom shall or may at any time within one year from the passage of this act, call a meeting of the commissioners by giving two weeks' notice of the same in one or more newspapers printed in Harrisburg, at which meeting the commissioners present shall organize and receive subscriptions to the capital stock. Each person subscribing for the same shall pay in cash at least ten per cent. of their subscription; and when the amount of fifty thousand dollars shall have been subscribed, and ten per cent. paid in cash, then it shall be lawful for the said subscribers or stockholders to hold an election for directors, ten of whom shall be stockholders and residents of Dauphin county. Said directors shall elect a president and secretary, which shall constitute an organization.

SECTION 3. That the affairs of said company shall be managed by a board of directors to be elected annually, consisting of not less than ten nor more than twenty-five, and such agents and officers as they shall appoint. A president and a secretary shall be elected annually by the directors; and all vacancies happening in any of said offices may be filled by the board for the remainder of the year for which they were elected; the board shall have power to declare by by-laws what number of directors less than the whole shall constitute a quorum for the transaction of business, as also the number of directors to be elected, and the time and place of holding the annual elections.

Powers to make contracts of insurance. SECTION 4. That the corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, against losses by fire or otherwise of any dwelling houses, barns, stores, or other buildings, and personal property, for such time and terms of time, for such premiums or consideration, and such modifications and restrictions as may be agreed upon between the corporation and the persons agreeing with them for the said insurance.

Capital stock. SECTION 5. That there shall be a capital stock of not less than fifty nor over two hundred thousand dollars, to be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation by each subscriber to the said capital, at the time of subscribing an instalment of five dollars on each share of stock by him or them so subscribed, and the remaining sum due on each share shall be paid in such instalments and at such times as the directors shall deem necessary to enable them to liquidate all claims or demands upon the treasury for losses and expenses; such instalments to be equally assessed after all dividends of scrip, such as shall or may have been issued as profits to the insured as hereinafter described, shall have been absorbed—all instalments to be paid within thirty days after notice of the same by the directors. And should any of the stockholders neglect or refuse to pay any of the said instalments after notice as aforesaid, the amount previously paid on said stock shall become forfeited to the company, and said stock may be sold by the directors to any person for such price as can be obtained for the same, or the directors may proceed at their option to collect from such stockholders the amount of such instalments. The directors shall have power to require security on all stock subscribed and not paid in, if they deem it expedient for the safety of the company, and generally to adopt that course they think best calculated to advance the interests of the company.

SECTION 6. That the rates of insurance shall from time to time be fixed and regulated by the directors of said company. And all property that shall be insured by said company may be divided into two or more distinct classes: in the first class may be insured the less hazardous description of property, and in the second class may be insured the more hazardous description of property; the policy of each member shall designate the class of risk with which he is associated, and the premiums of each class and dividend credits shall be held liable for all losses in the class to which they belong and no other; and the general expenses of the company shall be apportioned to each class in proportion to the amount insured. Rates of insurance.

SECTION 7. That all persons that shall hereafter insure in said company shall become members during the period they are insured by said company and no longer, and shall be entitled to one vote for officers of said corporation, and each stockholder shall be entitled to vote as follows, viz.: For two shares one vote, for six shares two votes, for ten shares three votes, for sixteen shares four votes, for twenty-four shares five votes, for fifty shares six votes, for seventy-five shares seven votes, and for one hundred shares or upwards eight votes. Absent stockholders may be represented by proxy. Persons insured to become members.

SECTION 8. That the directors on the first Monday in April, in each and every year, shall cause a balance to be struck of the affairs of the company, and if there be a surplus after paying the losses and expenses of the company for the year preceding, they shall first set aside six per cent. on the capital stock of said company, to be paid to the stockholders within thirty days, and in case there is not sufficient remaining as aforesaid to pay the aforesaid dividend of six per cent. to the stockholders in any one year, the same may be made good and payable at a subsequent period when the net resources of the company shall be sufficient for that purpose; the balance shall be placed to a reserved fund, and a dividend scrip shall be issued to the insured members for the same, pro rata in proportion to the amount each one has paid to said company as premiums; said scrip shall draw interest not exceeding six per cent. per annum. When the sinking fund shall exceed the sum of one hundred thousand dollars the excess may be applied to the payment of the certificates issued by the company to the insured, in such manner and at such times as the directors may deem expedient: *Provided always*, They shall be paid off in order as issued. If the holders of said certificates shall not within five years present the same for payment, the said certificates shall be cancelled on the books of the company, and the amount carried to the credit of said company. Balance to be struck of affairs.

SECTION 9. That the profits of said company shall in no case be withdrawn, except as herein provided, but shall remain with the capital stock liable to all losses and expenses thereof, agreeable to section fifth, such liability to be expressed on the face of said certificates, and no dividend shall be declared or certificate issued, nor interest paid to insured members or certificate holders, when the capital stock shall be reduced by losses or expenses to an amount or sum less than the original capital. Dividends.

SECTION 10. That no certificate shall issue for less than five dollars, nor for a fractional part of one dollar; and said certificates shall not be transferable except on the books of the company, and a transfer book shall be kept for that purpose. No certificate shall issue unless claimed within two years after the declaration of the dividend, but the amount thereof shall be credited to said company at the expiration of the two years. Certificates of stock.

Liability of stockholders.

SECTION 11. That no insured member, stockholder, or certificate holder shall be liable over and above the precise amount of premiums paid by him, her, or them; the amount of stock unpaid or certificates held, when such premium or stock or certificate shall be absorbed by losses or expenses of said company, all liability or responsibility on their part for losses and expenses shall cease.

General balance sheet.

SECTION 12. That within thirty days after the close of each fiscal year, the officers of said company shall cause to be made and printed a general balance sheet, showing the amount of capital stock, amount of premiums received during the year, amount of expenses, and amount of losses during the year, the balance remaining with the company, the nature of all securities in which said balance is invested, and the amount of cash on hand; also a full account of existing policies. And the directors shall cause the said statement to be published at least in one newspaper published in Harrisburg for two weeks.

May invest capital premiums.

SECTION 13. That it shall be lawful for said corporation to invest its capital, premiums, and profits on real or personal security in bonds, notes, mortgages, ground rents, judgments, stocks, and loans of the United States and State of Pennsylvania, and to sell, transfer, and change the same, and re-invest the funds of said corporation when the directors shall deem it expedient: *Provided*, Said corporation shall not exercise any banking privileges.

Punishment for embezzlement.

SECTION 14. That if any officer, agent, or other person connected with or doing business for or with said company shall fraudulently embezzle or appropriate to his or their own use or the use of any other person or persons, any money or other property belonging to said company or left with it or them as a special deposit or otherwise, he or they upon conviction thereof in the Court of Quarter Sessions shall be fined in a sum not less than five hundred dollars, and be sentenced to and undergo an imprisonment in the penitentiary or county prison for any time not exceeding two years, at the discretion of the court, provided that this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons.

Place of business.

SECTION 15. That the business of the company shall be carried on at such place in the borough of Harrisburg as the directors shall designate, and such agencies out of Harrisburg as they may establish.

Commissioners.

SECTION 16. That Samuel Oakes, Abraham Straub, and Daniel Clapp, be, and they are hereby appointed commissioners to view, lay out, and mark a State road beginning at or near the Limestone Lick farm belonging to Robert Montgomery, on the State road running from Washingtonville to Muncy, thence by the nearest and most practicable route by the way of the village of Turbetville, in the county of Northumberland, to the nearest and most convenient point on the State road leading from Milton to Muncy; and in case of resignation or refusal to act by either of said commissioners, it shall be the duty of the judges of Court of Quarter Sessions of the county in which the commissioners resigning or refusing to act resides to appoint a substitute.

Location.

Duties.

SECTION 17. That it shall be the duty of the said commissioners to meet at the house of John Derr, in the town of Washingtonville, Montour county, on the third Monday of June next or earlier, and after having made oath or affirmation before some officer authorized to administer the same faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to the public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty

of said commissioners to plainly and carefully mark the route agreed upon.

SECTION 18. That the commissioners herein named shall receive a per diem allowance of one dollar and fifty cents for each day they and each of them shall be necessarily employed in performing the duties under this act, and they are authorized to employ one surveyor who shall receive a per diem allowance of two dollars and two chain-carriers and one axeman at one dollar and fifty cents each.

Pay of commis-
sioners.

SECTION 19. That the said commissioners shall on or before the first day of January next, make out three drafts of said road as located, whereon shall be noted the courses and distances, the crossing of streams of county and township lines, one of which shall be forwarded by mail to the Secretary of the Commonwealth to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the Court of Quarter Sessions in the respective counties through which the road may pass, and from the time of such filing as last stated the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as hereinafter provided.

Drafts.

SECTION 20. That it shall be the duty of the supervisors of the several townships in the counties through which the said road authorized to be laid out by the foregoing sections of the act aforesaid shall pass, upon notice being given, to proceed at once and make and open said road as other roads are made; and on failing to comply, the said supervisors or any of them shall forfeit and pay a fine of not less than twenty-five dollars to be collected as other fines are collected; and said fine shall be appropriated to the use of said road, and the justice of the peace before whom information shall have been lodged shall have power to appoint another person in place of the supervisor refusing to perform the duties prescribed by this act.

Duty of super-
visors.

SECTION 21. That the commissioners appointed by or in pursuance of this act, shall have power to vacate any road or part of road which may be rendered useless by the location of the road hereby authorized, and shall also have the power to change the location of any part of the road now in use between the points mentioned in this act.

Power to vacate
roads.

SECTION 22. That the accounts of said road commissioners for their own pay and the pay of those directed to be employed by them under this act, shall be adjusted by the county commissioners of the counties through which the said road may pass, and paid out of the treasuries of the same according to the time actually required to locate the road within the respective counties.

Accounts.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 307.

AN ACT

Relating to the granting of tavern licenses in the counties of Allegheny and Clarion, and to the licensing of billiard rooms and bowling saloons in Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, in addition to the several requirements and regulations contained in the laws now existing relative to the licensing of inns or taverns, and houses for the sale of spirituous, vinous, and malt liquors, it shall be the duty of the court of the county of Allegheny, when any remonstrance shall be made to the said court against the licensing of any inn or tavern house to sell spirituous, vinous, or malt liquors in less quantities, than one quart, to issue a summons, subpoena, or attachment for the person signing the petition or application for such license, who shall be sworn or affirmed according to law, and if it shall appear by the oath or affirmation of the said signers or vouchers that such inn or tavern is necessary to accommodate strangers and travellers, and that the applicant is well prepared and well qualified to keep said tavern, then the said court may grant such license, and not otherwise.

Tavern licenses, for the regulation of, in Allegheny county.

Penalty for selling liquor on the Sabbath in said county.

SECTION 2. That if any innkeeper or other person shall sell or retail any spirituous, vinous, or malt liquors on the Sabbath day, except for medicinal purposes, he or they upon being duly convicted thereof before any alderman or justice of the peace in and for said county, shall forfeit and pay for every such offence the sum of fifty dollars, one moiety of which shall go to the person prosecuting and suing for the same, and the other moiety to the use of the Commonwealth; and in case any person or persons so convicted shall neglect or refuse to pay such fine, and no goods or chattels can be found whereof to levy the same by distress, he or they shall be committed to the county prison for a term of not less than ten nor more than thirty days, at the discretion of the court.

Provisions of certain act relative to sale of spirituous liquors extended to McKeesport, Allegheny county.

SECTION 3. That the provisions of an act entitled "An Act to prohibit the sale of spirituous, vinous, and malt liquors in Washington county, and to restrain the sale of spirituous liquors in the borough of Elizabeth, in Allegheny county," approved the eighteenth day of February, Anno Domini, one thousand eight hundred and fifty-one, be, and the same is hereby extended to the borough of McKeesport, Allegheny county.

Tavern licenses in Clarion county.

SECTION 4. That in all applications hereafter for tavern licenses in Clarion county, where objections are made, the signers to the petition of the applicant shall appear and be sworn in open court to the truth of the petition, and the necessity for the said tavern for the accommodation of strangers and travellers; and that from and after the passage of this act, it shall not be lawful for any person or persons other than those licensed as aforesaid, to sell any malt, vinous, or spirituous liquors by less measure than ten gallons, under a penalty of twenty-five dol-

lars for a first offence, fifty dollars for a second, and fine and imprisonment at the discretion of the court for a third.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 308.

AN ACT

To incorporate a company for the erection of piers in the Susquehanna river opposite Columbia, to secure rafts and other floats on said river, providing for the erection of a lock-up house in the borough of Washington, in the county of Lancaster, and in relation to the storage of saltpetre in Philadelphia.

SECTION 2. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Cooper, Abraham Bruner, Washington Righter, William F. Given, Thomas Lloyd, George Bogle, Robert Hamilton, Joseph W. Cotterall, John Barr, James C. Evans, H. M. North, and Daniel Herr, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The company for the erection of piers in the Susquehanna river opposite Columbia," with power to construct and erect in said river opposite the borough of Columbia, in Lancaster county, one or more piers for the better securing and safe keeping of rafts, canal boats, and other floats; the said piers to be erected in a line up and down the river, and parallel with the shore, and at a sufficient distance therefrom to allow of a free channel or passage for the different floats and other craft upon the waters of said river to pass between the said piers, and all floats that may be attached to them and the shores on either side of the river, and in such a manner as in no way to injure the navigation thereof.

SECTION 2. That the capital stock of said company shall consist of four hundred shares of twenty-five dollars each; and whenever two hundred shares of the said stock shall be subscribed, and the first payment of not less than five dollars per share paid thereon, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the Governor of this Commonwealth; and thereupon it shall be

lawful for the Governor, under his hand and the seal of the State, to create and erect the said subscribers and all those who shall afterwards subscribe, and their assigns, into a body politic and corporate in deed and in law, by the name, style, and title, of "The company for the erection of piers in the Susquehanna river opposite Columbia," by which name the said subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and which may be necessary for the purposes aforesaid.

Letters patent.

Privileges.

Organization.

SECTION 3. That it shall be the duty of any three or more of said commissioners, as soon as conveniently may be after letters patent are obtained, to give at least ten days' notice in one or more newspapers printed and published in the county of Lancaster, of the time and place of holding an election for officers of the company, at which time and place the subscribers shall meet and choose five managers who shall be stockholders to conduct the affairs of the company until the first Monday of April next ensuing; and in all elections each stockholder shall be entitled to one vote for every share of stock held by him, and the said managers so elected shall elect one of their number president, and shall have power to appoint a secretary and treasurer, and such other officers and agents as may be necessary to conduct the business of the company. The election for managers shall be held annually on the first Monday in April, at such time and place as shall be designated by the managers, of which elections at least ten days' notice shall be given in one or more papers published in the county of Lancaster. All vacancies occurring by death, resignation, or otherwise, shall be filled by the managers from among the stockholders till the next annual election.

Rates of toll or charges.

SECTION 4. That so soon as one or more of the said piers shall have been constructed with the necessary fixtures and conveniences for the fastening and securing of rafts, canal boats, and other floats, the said company hereby created shall have power to charge and collect of the owners and other persons having in charge in any raft, canal boat, or other float which may be attached or secured to said piers any sum not exceeding one dollar for any length of time they may be so attached and secured to said piers not exceeding one week, and the additional sum of not exceeding one dollar for any length of time beyond one week: *Provided*, That no raft, canal boat, or other float shall be so attached or secured to said piers as to lie within two hundred yards of the Columbia bridge, or block up or interfere with the free navigation of the main channel of the river.

Dividends.

SECTION 5. That dividends of so much of the profits of the company as shall appear to the managers advisable, shall be declared twice a year and paid to the stockholders or their legal representatives on demand at any time after the expiration of ten days after having been declared; but such dividends shall in no case exceed the net profits actually acquired by the company, so that the capital stock shall never thereby be impaired. And if any dividends shall be declared which shall impair said capital stock, the managers consenting thereto shall be liable to the company for the amount of stock so impaired; and each manager present when such dividends shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice in at least one newspaper published in Lancaster county, of his objections to the same.

Reservation.

SECTION 6. That the Legislature hereby reserves the right to alter, amend or repeal this act whenever in their opinion the same may be necessary.

SECTION 7. That the burgess and town council of the borough of Washington, in the county of Lancaster, be, and they are hereby authorized and empowered to have built or otherwise provided and supported in said borough at the expense thereof, a suitable building for the security and detention of any person or persons committed by any justice of the peace of said borough or vicinity, or by the burgess of said borough or member of the council acting in his place, for any violation of the laws of this Commonwealth or of the ordinances of said borough: *Provided*, That no person be confined longer than thirty-six hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him or her for examination.

SECTION 8. That the expense of arresting, binding over, or committing and keeping any such person or persons in said lock-up house, or conveying him, her, or them, to the common jail of the county aforesaid on any indictable offence, shall be paid by the county of Lancaster, on the presentation of proper accounts of the same to the commissioners of said county.

SECTION 9. That so much of the act entitled "An Act to incorporate the Towanda and Burlington Plank Road Company," and for other purposes, as relates to the storage of saltpetre, shall not be construed as to prohibit or in anywise obstruct the landing of saltpetre from any vessel at the port of Philadelphia, and its temporary storage in any out-house or building for the purpose of facilitating the landing thereof, or the exportation or transhipment of the same; nor shall it be so construed as to prohibit the storage or deposit of saltpetre by any person in any building which may stand fifty feet distant from any other building owned or occupied by other person or persons; and it shall and may be lawful to deposit and keep saltpetre in any cellar in the city of Philadelphia or incorporated districts of the county: *Provided*, There shall not be any sugar, molasses, rosin, pitch, tar, turpentine, sulphur, lard, butter, linseed oil, whale or olive oil, stored in the same building at the same time.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 309.

AN ACT

To incorporate the Miller's Run and Cross Creek Valley Plank Road Company, relative to the titles of certain lands in Washington county, to the election of Prothonotary and Clerk of Courts in Butler county, confirming a certain deed, relative to the appointment of superintendents on the Butler and Mercer turnpike road, changing the place of holding elections in Butler township, Butler county, relative to certain election districts in the county of Mercer, and to authorize James Hulings, his heirs and assigns, to extend a rope chain or wire across the river Allegheny to facilitate crossing the same, and relative to the opening of Wylie street, in the city of Pittsburg.

Commissioners.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i> Mansfield B. Brown, James Campbell, William Espy, William Kerr, G. Y. Coulter, and David Brown, of the county of Allegheny, and John Berg, Robert Cook, Craig Ritchie, Thomas Weaver, Thomas Buchanan, Henry Cochran, Robert Morgan, William Patterson, sen., John McGee, William Bush, Arnold Lawton, George Plummer, James Linn, Hugh W. Wilson, and John L. Cook, of Washington county, or any five of them, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Miller's Run and Cross Creek Valley Plank Road Company," with power to construct a plank road, commencing at the city of Pittsburg, in the county of Allegheny, thence by the valley of Saw Mill run to Chartier's creek, and the valley of Miller's run to Hickory, thence by the valley of Cross creek to the Virginia line, in such direction as will meet a road of similar construction in Virginia to the Ohio river, with power to construct a branch from said road commencing at or near the farm of Hugh Ray, in Washington county, through or near the borough of Canonsburg to the borough of Washington, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements relating thereto: <i>Provided</i> , The said company shall not be required to construct that portion of said road lying between the city of Pittsburg and the house of William Lee, sen., in the county of Allegheny, until the said company shall deem the same expedient.
Style.	
Location.	
Subject to provisions of certain act.	
Capital stock.	SECTION 2. That the capital stock of said company shall consist of fifteen hundred shares, of twenty-five dollars per share.
Commencement and completion of road.	SECTION 3. That if said company shall not commence the construction of said road within three years, and complete the same at least nine miles, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the said company.
Title to certain real estates of James Patterson confirmed.	SECTION 4. That a certain deed executed by William Youdon and Nancy his wife, of Allegheny county, conveying to James Patterson, of said county, certain lands in the county of Washington, more particularly described in said deed, which deed was ordered by the Court of Common Pleas of the said county of Washington, on May twenty-

sixth, A. D., one thousand eight hundred and forty-two, to be entered of record as sheriff's deeds are entered, be construed, deemed and taken to be good and effectual for barring all entails of whatever kind, and for conveying to the said James Patterson an absolute fee simple estate in said lands.

SECTION 5. That the provisions of the act passed the second day of July, one thousand eight hundred and thirty-nine, entitled "An Act to provide for the election of prothonotaries, clerks, registers, and recorders," are hereby so altered that hereafter the qualified electors of the county of Butler shall elect one person to fill the office of prothonotary and one other person to fill the offices of clerk of the Court of General Quarter Sessions, clerk of the Court of Oyer and Terminer, and clerk of the Orphans' Court of said county.

Election of prothonotaries, clerks, registers, &c., in Butler county.

SECTION 6. That the deed executed by Peter Shroyer, as agent and attorney in fact of Matthias Shroyer to Joh. L. Miller, for two hundred and fifty acres and seventy-three perches of land, in Cherry township, Butler county, dated the fifth day of July, eighteen hundred and forty-seven, and recorded in said county in book P., pages six hundred and thirty-six and six hundred and thirty-seven, and also the mortgage recorded on the two preceding pages of the same book, to secure the purchase money of said land, are hereby confirmed and declared to be good and valid in law to all intents and purposes, and the title to said land as fully and effectually vested in said Miller, his heirs and assigns, as if said deed had been executed by the said Matthias Shroyer himself, in a state of perfect soundness of mind.

Certain deed executed by Peter Shroyer confirmed.

SECTION 7. That the Court of Quarter Sessions of Butler county shall appoint a superintendent for so much of the Butler and Mercer turnpike road as lies within the county of Butler, and the Court of Quarter Sessions of Mercer county shall appoint a superintendent for so much of said road as lies within the county of Mercer. The superintendents thus appointed shall each have all the powers and rights on the portion of said road for which they have been appointed and which has been assigned to each of them, relative to making contracts with individuals and companies for tolls, appointing and agreeing with gate keepers, and in doing all and every thing which might be done by the managers.

Butler and Mercer turnpike road.

Superintendents for.

SECTION 8. That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth sections of an act entitled "A supplement to the acts relative to the Pittsburgh and Butler Turnpike Road Company," passed the seventh day of March, eighteen hundred and forty-two, are hereby extended to the Butler and Mercer Turnpike Road Company, and to the superintendents that may be appointed under the provisions of the foregoing section of this act.

Provisions of certain act extended to said road.

SECTION 9. That the qualified electors of Butler township, in the county of Butler, shall hereafter hold their general and township elections at the house formerly occupied as a public house by Anthony Faller, in said township.

Butler township, Butler county, place of holding elections in.

SECTION 10. That James Hulings, his heirs and assigns, shall have the right and privilege of erecting posts on any land or lands adjoining and contiguous to a public ferry at the village of Tionesta, in the county of Venango, and to extend therefrom and across said river Allegheny a rope, chain, or wire to facilitate crossing: *Provided*, That the said rope, chain, or wire shall be extended so as not to interfere with or obstruct the ascending or descending navigation of the river: *Provided also*, That the said James Hulings, his heirs and assigns, shall pay to the owner or owners of said land or lands upon which the posts before

James Hulings authorized to extend a rope, &c., across the Allegheny river.

mentioned may be erected, all damages which may be done to said lands in consequence thereof, which said damages shall be assessed by a jury of six persons appointed by the Court of Common Pleas of Venango county, and their report and the proceedings thereon shall be the same in every respect as in the case of opening roads under existing laws.

Penalty for injuries.

SECTION 12. If any person or persons shall wilfully pull down, cut, break, or in any way injure or destroy any posts, ropes, wire, chains, boats, or other property belonging to the said ferry, he, she, or they so offending shall each of them forfeit and pay to said proprietor the sum of fifteen dollars in addition to all damage sustained by the said proprietor, to be recovered as debts of like amount are by law recoverable: *Provided*, Suit shall be brought within thirty days after such offence shall have been committed.

Perry township, Mercer county, erected into a separate election and school district.

SECTION 13. That the township of Perry, in the county, by the metes and bounds as the same has been returned by the commissioners appointed to divide the township of Sandy Creek, to the Quarter Sessions of Mercer county, is hereby erected into a separate election and school district, and the qualified electors thereof shall hold their township and general elections at the house of David Long; and James Hanna is hereby appointed judge, and David Long and James Huff are appointed inspectors, to hold the first Spring elections therein, which shall be held on the first Monday of May next, and the township officers then elected shall serve until the third Friday of March next, on which day the said Spring elections shall annually thereafter be held, and all bonds for the faithful performance of duties shall be conditioned accordingly.

Deer Creek township, Mercer county, erected into a separate school and election district.

SECTION 14. That the township of Deer Creek, in the county of Mercer, as the same is described and bounded in the report of the commissioners appointed to divide the township of Sandy Creek, in said county, to the Court of Quarter Sessions, is hereby erected into a separate school and election district, and the qualified electors thereof shall hold their township and general elections at the house of Stephen Ross; and Charles Montgomery is hereby appointed judge, and John Turner and Amzy Straight inspectors, to hold the next Spring elections, which shall be held on the first Monday of May next; and the township officers then elected shall serve until the third Friday of March then following, on which day the township elections shall then and thereafter annually be holden; and all bonds for the faithful performance of duty shall be conditioned accordingly.

Sandy Creek township, Mercer county, erected into a separate election district.

SECTION 15. That the township of Sandy Creek, in the county of Mercer, is hereby erected into a separate election district, and the qualified electors thereof shall hold their township and general elections at the house of William G. Brown, in Sheakleyville; and Asher Williams is hereby appointed judge, and Thomas Sheakley and E. W. Bishop are appointed inspectors, to hold the first Spring election therein, which shall be held on the first Monday of May next; and the township officers then elected shall serve until the third Friday of March next, on which day the Spring elections of said township shall be then and thereafter annually held, and all bonds for performance of duty shall be conditioned accordingly.

New Vernon township, Mercer county, erected into a separate school and election district.

SECTION 16. That the township of New Vernon, in the county of Mercer, by the boundaries as the same has been returned to the Quarter Sessions of Mercer county by the commissioners appointed to divide Sandy Creek township, in the county of Mercer, is hereby erected into a separate school and election district; and the qualified voters thereof shall hold their township and general elections at the house of G. W. Montgomery, in the village of New Vernon; and George Hagerty is

hereby appointed judge, and David Linn and William McCormack are appointed inspectors, to hold the first Spring elections therein—which first election shall be held on the first Monday of May, in the year one thousand eight hundred and fifty-one; and the township officers then elected shall serve until the third Friday in March of the following year, on which day of March the said Spring elections be thereafter annually held, and all bonds for the faithful performance of duty shall be conditioned accordingly.

SECTION 17. That that portion of Wylie street lying and situate between Crawford and Arthur streets, in the city of Pittsburg, as the same is laid out and located in the city district plan of the said city, be, and the same is hereby declared open for public use; and the Court of Quarter Sessions of the Peace of Allegheny county shall upon the application of any owner or owners of lot or lots through whose property said street is laid out, appoint five competent persons as viewers, who shall assess the amount of damages, if any, which shall be sustained by the owner or owners of property thus declared open as aforesaid, and report the same to said court; and said report being returned to and confirmed by the court, the damages shall be paid to such owner or owners out of all such property that may be benefitted by the opening of said street: *Provided*, That no person shall be entitled to damages unless application be made within six months from the passage of this act; and all acts or portions of acts inconsistent with this act are hereby declared repealed.

Wylie street, in the city of Pittsburg, part of declared opened, &c.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 310.

AN ACT

To incorporate the Lawrenceville and Sharpsburg Plank Road Company, relative to the courts of Allegheny county, to the taxation of the Farmers' and Drovers' Bank of Waynesburg, and to the real estate of the German Lutheran congregation of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Wilson McCandles, esquire, John Graham, Richard L. Ewalt, John Chizlett, Captain E. Harding, Henry H. Lewis, James Sharp, Charles W. Earnest, and Dr. W. Werneberg, James Blakely, and Charles Peterson, of Allegheny county, or any five of them, are hereby appointed Commissioners.

- commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Lawrenceville and Sharpsburg Plank Road Company, with power to construct a plank road commencing on the Butler road where it intersects the Pittsburg and Greensburg turnpike road near the eastern line of the city of Pittsburg, and extending along the said Butler road to a point on the south side of the Allegheny river opposite the borough of Sharpsburg, in the county of Allegheny, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto: *Provided*, That the said company shall have power to erect gates and collect tolls on the said road when two miles thereof is completed: *And provided further*, That the said company shall have power to contract with the Pittsburg and Greensburg Turnpike Road Company for the use of that part of said turnpike road lying between said city line and its junction with the Butler road, if found necessary.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. The capital stock of said company shall consist of six hundred shares, at twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock if it shall be deemed necessary to carry out the true intent and meaning of this act.
- Commencement and completion of road.** SECTION 3. That if said company shall not commence the construction of their road within two years from the passage of this act, and complete the same as far as the Allegheny cemetery within three years, this act shall be void.
- Time of holding courts in Allegheny county.** SECTION 4. That from and after the first day of May next, the June term of the Court of Common Pleas, Quarter Sessions, Oyer and Terminer, and Orphans' Court of Allegheny county, shall commence on the first Monday of June in each year.
- Adjourned courts in said county.** SECTION 5. That the Courts of Quarter Sessions and Oyer and Terminer of said county shall have authority to hold adjourned courts and summon traverse jurors to dispose of the balance of the criminal calendar, when deemed necessary by said court.
- Jurors.** SECTION 6. That the judges of the several courts of said county are hereby authorized to summon jurors as often as may be necessary to dispose of the business in said courts: *Provided*, That a jury be not summoned oftener than once in two weeks.
- Judges of the District Court authorized to preside in certain cases.** SECTION 7. That whenever the president judge of the several Courts of Common Pleas, Oyer and Terminer, Quarter Sessions, and Orphans' Court of the county of Allegheny, shall have been counsel in any cause pending in said courts, or in case of the absence or other inability of said judge to attend in said court, either one of the judges of the District Court of said county is hereby authorized to preside in lieu of the president judge of said court.
- Farmers' and Drovers' Bank of Waynesburg, relative to.** SECTION 8. That should the Farmers' and Drovers' Bank of Waynesburg at any time hereafter be made the subject of taxation not now provided for by general laws, the two per cent. on the amount of the capital stock of said bank paid the Commonwealth as provided and required by the charter, approved the fourth day of April, one thousand eight hundred and forty-nine, shall be a credit on account of any such additional taxation.
- German Lutheran Congregation of Philadelphia authorized to dispose of burial ground.** SECTION 9. That the ministers, vestrymen, and church wardens of the German Lutheran congregation in and near the city of Philadelphia, in the State of Pennsylvania, be, and they are hereby authorized to sell and dispose of the burial ground and lot belonging to them situate at the north-east corner of Delaware Fifth and Cherry streets in the city

of Philadelphia, either in the whole or in such parts and portions as they may deem proper, said sales to be made either in fee upon ground rent or on lease, and without any liability on the part of any purchaser or lessee to see to the application of the purchase money or of any payment made in extinguishment of a ground rent so to be reserved; and all provisions in the charter of said corporation inconsistent with the provisions of this act are repealed so far as the said burial ground is concerned: *Provided*, That the Orphans' Court shall approve of such sale or sales and make such order in the premises as will protect creditors or lien holders.

SECTION 10. That it shall be the duty of said ministers, vestrymen, and church wardens, to cause to be removed and re-interred in some burial ground in the city or county of Philadelphia, the bodies which may have been buried in that part of their burial ground which they may sell and dispose of by virtue of this act, within sixty days after said sale. Further duties.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 311.

AN ACT

To incorporate the Schuylkill county Agricultural Society, relative to a school district in Schuylkill county, to an election district in said county, to the daily pay of the commissioners of Berks county, to the reporter of the decisions of the Supreme Court, to the collection of school taxes in certain townships in Crawford and Allegheny counties, to the estate of Joseph Parker Norris, deceased, to the Keystone Life and Health Insurance Company, to tavern licenses in Philadelphia city and county, to the estate of Polly Dunlap, of Clearfield county, to the sale of a lot of ground by the overseers of the public schools of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all such persons who have now associated themselves or who may hereafter be admitted members of the Schuylkill County Agricultural Society shall be, and are hereby declared to be a body politic and corporate, for the term of twenty years from and after the passage of this act, by the name and style of "The Schuylkill County Agricultural Society," to have succession, to plead and be impleaded, sue and be sued, in all courts of record and elsewhere, and be capable to take and enjoy lands, tenements and hereditaments, goods and chattels, and the same from time to time to sell grant, alien, and dispose of, to use a common seal, and to Style.
Privileges.

alter or renew the same at pleasure: *Provided*, That the clear yearly value of the real estate by them held shall at no time exceed the sum of two thousand dollars.

Officers.

SECTION 2. That the officers of the said corporation shall consist of a president, two vice presidents, a secretary, a treasurer, and such other officers as the said corporation may think necessary, who shall be elected annually on the first Monday of January.

By-laws.

SECTION 3. That the said corporation when convened, upon due notice given to the members by public advertisement or otherwise, shall have power and authority to make, ordain, and establish such and so many rules, by-laws, and ordinances relating to the times of meeting, the admission of members, the power and duties of the officers thereof, and the ordering of the other concerns of the said corporation as they may deem necessary and proper: *Provided*, That no rule, by-law, or ordinance as aforesaid shall be valid, if inconsistent with the Constitution and laws of this State or of the United States.

Annual appropriation to said society.

SECTION 4. That the present officers of the said society shall continue in their respective offices until an election shall be held under this act, and the rules, by-laws, and ordinances thereof, and that the Schuylkill county agricultural society shall receive annually from the commissioners of Schuylkill county out of the county tax assessed on the county of Schuylkill, the sum of fifty dollars for every member which said county is entitled to elect to the House of Representatives of this Commonwealth, for the purpose of promoting agriculture; and the said sums shall be paid to the treasurer of the said society on orders signed by the president and attested by the secretary of said society.

Allison school district, Schuylkill county.

SECTION 5. That the Allison school district erected by the first and second sections of an act entitled "An Act to erect parts of Norwegian, Branch, Wayne, and North Manheim townships, in the county of Schuylkill, into a separate school district, and relative to school district in Armstrong, Indiana, Jefferson, and Westmoreland counties," approved the fourteenth day of March, one thousand eight hundred and fifty, shall have all the rights and privileges, and be subject to all the restrictions which other school districts now have or may hereafter be entitled or subject to under the school laws of this Commonwealth.

West Penn township, Schuylkill county, relative to voters in.

SECTION 6. That the qualified electors residing north of the Sharp Mountain in the township of West Penn, in the county of Schuylkill, heretofore voting at the public school house in the borough of Tamaqua, shall hereafter, at all general and special elections, vote at the house now occupied by Lewis Buchler in the East Ward of said borough of Tamaqua.

Pay of the commissioners of Berks county.

SECTION 7. That each of the commissioners of Berks county shall receive out of the county treasury the sum of one dollar and fifty cents for each day they shall necessarily attend to their duties: *Provided*, That the pay of any one of the commissioners shall not exceed two hundred and fifty dollars per annum: *And provided further*, That the county auditors shall not allow the county treasurer credit for any sum exceeding two hundred and fifty dollars paid to any county commissioner in any one year as his daily or extra pay.

Fees of the reporter of the decisions of the Supreme Court.

SECTION 8. That a tax of fifty cents for the reporter of the decisions of the Supreme Court be, and the same is hereby imposed on each writ of error and on appeals to the said court on writs of certiorari and on cases removed into the Supreme Court from the Court of Nisi Prius in Philadelphia; and the same amount of tax for the said reporter is hereby imposed on all such cases now pending or which shall have been decided during the present session of the said court at Philadelphia, the same to be taxed by the prothonotary in the several bills of costs.

SECTION 9. That so much of the act approved the seventh day of April, eighteen hundred and forty-nine, as relates to the collection of the school tax in the townships of Vernon and Mead, Crawford county, and Robinson and Snowden townships, in Allegheny county, be, and the same is hereby repealed, and that the township collectors in the townships aforesaid be, and they are hereby authorized and required to collect said tax, and to collect any amount of tax now due and unpaid.

SECTION 10. That the trustees under the last will of Joseph Parker Norris, late of the city of Philadelphia, deceased, of the Sepviva estate and piece of marsh land on Gunner's creek, in the county of Philadelphia, and such persons as may lawfully succeed them in their respective trusts, whether by appointment of a court of this Commonwealth or otherwise, are hereby authorized and empowered to purchase at any sheriff's sale, or at any other public or private sale, any real estate upon which the said trustees now have, or upon which the said trustees or their successors in the trust may hereafter have or hold any mortgage, judgment, or other lien or incumbrance, or out of which any ground rent held by the said trustees or their successors may have been or may be reserved.

SECTION 11. That all purchases of real estate heretofore made by the said trustees are hereby ratified and confirmed, and the same shall be taken to be good and valid as if made under a previous authority.

SECTION 12. That all real estate heretofore purchased by the said trustees for the purpose of the said estates, and all real estate that may hereafter be purchased or acquired by them or their successors, under the authority of this act, shall be held by them upon the uses and trusts and for the same purposes and with the same and like powers and authorities in all respects as are mentioned, declared, given, and conferred in and by the said last will and testament of the said Joseph Parker Norris, and in and by any act or acts of the General Assembly of the Commonwealth of Pennsylvania, passed relative to said estates.

SECTION 13. That the provisions of the thirteenth section of an act entitled "An Act to incorporate the Penn Mutual Life Insurance Company," approved the twenty-fourth day of February, one thousand eight hundred and forty-seven, be, and the same is hereby extended to the Keystone Mutual Life and Health Insurance Company of Harrisburg.

SECTION 14. That from and after the passage of this act, the first section of the act entitled "An Act to change the mode of granting tavern licenses in the city and county of Philadelphia," approved sixteenth April, A. D., eighteen hundred and forty-seven, shall not be construed to require the written consent of the landlord owning the premises more than once during the occupation of the said premises as a hotel or tavern.

SECTION 15. That Daniel Chambers, of Clearfield county, is authorized to demand and receive from Daniel Beuck, late administrator of the estate of Philip Fronk, deceased, of Centre county, the balance remaining in his hands and due to the heirs of Polly Dunlap; he is further authorized to collect all or any money due to the heirs of the said Polly Dunlap, either in the hands of the said Daniel Beuck or any other person or persons, and for that purpose to bring suit in his own name and prosecute the same to judgment and execution: *Provided however,* That before being authorized to receive the same, the said Daniel Chambers shall give bond in the sum of five hundred dollars to the Orphans' Court of Clearfield county, conditioned that he will pay said money so received to the legal heirs of Polly Dunlap, whenever they establish their right to the money.

Relative to the collection of school tax in the townships of Vernon and Mead, in Crawford county, and Robinson and Snowden townships, Allegheny county.

Trustee under the will of Joseph Parker Norris authorized to purchase real estate.

Purchases made heretofore confirmed.

Uses and trusts of said purchases.

Provisions of certain act extended to the Keystone Mutual Insurance Company of Harrisburg.

Tavern licenses in Philadelphia county.

Daniel Chambers authorized to receive certain money arising from the estate of Polly Dunlap.

Overseers of the poor of the town and county of Philadelphia authorized to sell real estate.

SECTION 16. That the overseers of the public school founded by charter in the town and county of Philadelphia, be, and they are hereby authorized and empowered absolutely to sell and dispose of in fee simple at public or private sale, or to let on ground rent, all that lot or piece of land situate on the west side of Front street, near Greenwich street, in the district of Southwark, containing in front on the said Front street, seventy-two feet, and extending in depth westwardly one hundred and forty-six feet, be the same more or less, which lot of land was devised to the said overseers of the public school by the last will and testament of Sarah Jervis, deceased, and by deed or deeds to grant and convey the same to the purchaser or purchasers thereof in fee simple, without such purchaser or purchasers being bound to see to the application of the purchase money, or in any way being liable in respect to the execution or non-execution of the trust contained in the will of the said testatrix.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 312.

AN ACT

For the relief of Robert M. Lemon, to incorporate the Williamsburg Academy, to change the place of holding elections in Hopewell township, Huntingdon county, and to authorize William H. King to collect certain taxes in said county.

Canal Commissioners authorized to examine the claim of Robert M. Lemon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be, and they are hereby authorized and directed to examine the claim of Robert M. Lemon, of Blair county, for damages alleged to have been sustained by him in consequence of the destruction of three cars on plane number six, on the Allegheny Portage railroad, in the Spring of one thousand eight hundred and fifty, and report the facts and the amount of damages due him, if any, to the Legislature.

Style.

SECTION 2. That there shall be, and is hereby established and created in the town of Williamsburg, in the county of Blair, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences, and literature, by the name, style, and title, of "The Williamsburg Academy," the said academy to be under the direction, management, and government of a board of

trustees not exceeding five in number, three of whom shall constitute a quorum for the transaction of business ; which trustees and their successors shall be, and they are hereby erected, established, and declared to be a body politic and corporate with perpetual succession, and with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style, and title, of the "Trustees of the Williamsburg Academy," by which name and title the said trustees and their successors shall be able in law and in equity to take to themselves and their successors for the use of said academy any estate, messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, moneys, and estates, real and personal, to grant, bargain, sell, convey, assure, demise, mortgage, improve, repair, and to farm, let, or otherwise dispose of or invest in such manner as to them or a quorum of them shall seem most beneficial to the institution, or to receive the rents, issues, profits, and income of the same for the use of the academy, and by the same name to sue, prosecute, and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever; to erect such buildings as may be necessary, and to employ competent teachers, and to provide for the payment of debts, and generally to do all and singular the acts, deeds, matters and things which shall be lawful for them to do for the well-being of the said academy and the due management thereof: *Provided*, That the yearly income of the real and personal estate owned by said corporation shall not exceed the sum of five thousand dollars.

Incorporate.

Privileges.

SECTION 3. That until trustees and treasurer for said academy shall be elected in the manner herein provided, Joseph R. Hewit, George W. Smith, Henry Reigert, Joshua Roller, and Peter Metz shall be, and they are hereby authorized to serve as trustees; and Joseph Feay shall be, and is hereby authorized to serve as treasurer.

Present trustees.

SECTION 4. That the first election of trustees and treasurer shall take place on the last Saturday in December, one thousand eight hundred and fifty-one, at the academy in the town of Williamsburg; and on the same day annually thereafter at such place as may be appointed by a majority of the trustees, the stockholders of the academy shall elect by ballot by a majority of the votes present, to be given in person or by proxy duly authorized, five trustees and one treasurer, who shall continue in office for one year or until others shall be duly chosen and qualified. The trustees or a majority of them so elected, shall meet at the academy within ten days after their election, and elect by ballot by a majority of the votes present, out of their own number one person to act as president and one person to act as secretary. The election of trustees and treasurer shall commence at two o'clock in the afternoon, and shall continue until four o'clock of the same day, and shall be conducted by two managers to be chosen by a majority of stockholders present at the time of commencing the election; and the stockholders shall be allowed to vote in the ratio of one vote for each share of stock held by him, her, or them, or standing in his, her, or their names in the books of the corporation. The votes shall be given by ballot, and each ticket shall be labelled on the outside "Trustees of the Williamsburg Academy," and contain the names of five persons stockholders of said corporation, and those having the highest number of votes shall be trustees. At the same time and place the said stockholders shall elect in the manner provided for trustees, one person who shall be a stockholder as treasurer, and the

Annual election of trustees and treasurer.

person having the highest number of votes shall be treasurer; and if two or more persons should have an equal number of votes, the managers shall forthwith decide by ballot which of said persons are elected: *Provided*, That no stockholder shall be eligible to the office of trustee and treasurer at the same time: *And provided further*, That no person shall have more than four votes at any election, whatever number of shares he or she may be entitled to.

Vacancies, how filled.

SECTION 5. That in case of the death, resignation, or refusal to serve of any trustee or officer, the trustees, or a majority of them, shall have power to order a special election to fill such vacancy until the next annual election: *Provided*, That in all elections of trustees and treasurer at least ten days' written notice thereof shall be put in some public place at the academy by the president of the board of trustees.

Failure to elect not to dissolve corporation.

SECTION 6. That no failure of election of officers on the day appointed shall dissolve this corporation, but the trustees and treasurer and other officers shall continue in office until an election shall be ordered by the trustees, or a majority of them, which said election shall be held at the academy; at least thirty days' written notice thereof shall be put up in some public place at the academy by the president of the board of trustees.

Treasurer, duties of.

SECTION 7. That the treasurer shall receive and hold all moneys belonging to the corporation, and pay out the same to the order of the board of trustees signed by the president and secretary, and shall keep fair accounts thereof, which shall be audited and settled by the trustees annually, and shall pay over all moneys remaining in his hands at the end of the year to his successor; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees, and it shall be the duty of the trustees to report annually, at the expiration of their term of office, the condition of the finances and other affairs of said corporation, which report together with the books of the corporation shall be opened at all times to the examination and inspection of all persons interested, who are at such times stockholders in said corporation.

Form of subscription.

SECTION 8. That the said trustees herein named are hereby authorized to open books on or before the first day of August, one thousand eight hundred and fifty-one, and enter thereon as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the Williamsburg academy the sum of forty-five dollars for each share of stock set opposite to our respective names in such manner and proportions and at such time or times as shall be required by said trustees; the whole of said stock by each of us subscribed to be paid within one year from the time of subscribing;" and shall thereupon proceed to receive subscriptions for the stock of said corporation not exceeding in the whole the sum of ten thousand dollars, divided into shares of forty-five dollars each, at such times and places as they may deem advisable.

Certificates of stock.

SECTION 9. That the said trustees shall procure written certificates and deliver to each stockholder a certificate signed by the president of the board of trustees, countersigned by the secretary, and sealed with the seal of the corporation, for the share or shares of stock by him, her, or them held or heretofore subscribed, or that may hereafter be subscribed, upon payment to the treasurer of the full sum due thereon; and such certificate of stock shall be transferable on the books of the corporation either in person or by attorney; and the assignee holding any certificate first having caused the assignment to be entered on the book to be kept for that purpose by the said trustees, shall be deemed a member of the corporation and entitled to all the rights and privileges of an original subscriber to said stock: *Provided*, That no stockholder

Transferable.

shall sell or otherwise dispose of his or her stock without having first given written notice to the stockholders present at either some special or annual meeting of his or her desire and intention to sell said stock; and if said stockholders after having been so notified shall either refuse or decline to buy said stock so offered for sale at the original price paid, then, and in that case the stockholder shall have the privilege of selling or disposing of his or her stock without further notice.

SECTION 10. That the said trustees shall have power to enact such ordinances and by-laws not inconsistent with the Constitution and laws of this Commonwealth as may be necessary and proper for the government of the said academy. By-laws.

SECTION 11. That said trustees shall cause to be made for their use one common seal with such devices and inscriptions thereon as they shall think proper, by which and with which all deeds, certificates, and acts of said corporation shall be authenticated; and the same seal the said trustees may at their pleasure break and alter, and also if they think proper devise a new one. Seal.

SECTION 12. That the qualified electors of the township of Hopewell, in the county of Huntingdon, shall hereafter hold their township and general elections at the public school house at Rough and Ready Furnace in said township. Hopewell township, Huntingdon county, place of holding elections in.

SECTION 13. That William H. King, a collector of taxes in the borough of Huntingdon and Huntingdon school district, Huntingdon county, be, and is hereby authorized to collect all taxes due and unpaid on duplicates in his hands for the years one thousand eight hundred and forty-four, one thousand eight hundred and forty-five, and one thousand eight hundred and forty-six, and to make use of the same means to enforce the payment thereof as at any time he had by law: Relative to the collection of school taxes in the borough of Huntingdon, Huntingdon county.
Provided, That the rights and privileges hereby granted shall continue for a period no longer than one year from the passage of this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 313.

AN ACT

To facilitate the passage of coal and coke boats over the Monongahela Navigation Improvement, and to incorporate the Marine Transportation Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Coal and coke boats not to stop, &c., within 200 yards of lock, &c. no coal or coke boat shall unnecessarily stop, lie by or detain in any lock or within two hundred yards of any lock, nor shall they lie more than two pair abreast for a distance of three hundred yards further above any lock, nor more than four pair of boats abreast at any place above five hundred yards, without permission of the lock keeper, under a penalty of twenty-five dollars for every boat.

Further regulations. SECTION 2. No coal or coke boat shall be permitted to come within two hundred yards of a lock on the Monongahela Navigation aforesaid, until the lock is ready, without the consent of the lock keeper; and they shall be passed in the order of their position, viz.: To commence with those within two hundred yards of the lock—the inside boat or pair of boats first, the others to drop down so that each tier of boats shall be passed in the order they lie; and no coal or coke boat or boats arriving shall be permitted to come nigher to the lock than their regular place or tier. And when the lock keeper is prepared to pass boats, they will in the order above mentioned, without delay, drop their boats down and pass through the lock otherwise, or forfeit their turn; but as cases may occur that light boats can go on when heavy boats cannot, then in such cases said light boats may at the discretion of the lock keeper be passed through as they arrive within two hundred yards of the lock. The penalty for every violation of this section shall be ten dollars for each and every boat.

Power of lock-keepers. SECTION 3. That in case of the arrival of a large number of boats and a falling river, the lock keeper shall be authorized to stop all tow-boats from passing as long as he may deem necessary.

Persons aggrieved, remedy of. SECTION 4. That the lock keeper for the company or any person or person aggrieved by any violation of this act, be, and they are hereby authorized to enforce the foregoing provisions against the owners, pilots, or other persons having said boat or boats in charge, by process now known or which may hereafter be authorized by law, before any magistrate of the proper county or alderman of the city of Pittsburg—one-half of the penalty to go to the State and the other half to the prosecutor.

Commissioners. SECTION 5. That Henry B. Tatham, William P. Tatham, James H. Montgomery, and others whom a majority may associate with them, shall be commissioners to receive subscriptions to the stock of an association to be called "The Marine Transportation Company of Philadelphia," for the conveyance of sea-going steamers, of goods and passengers between Philadelphia and New York, or any other ports of the United States or elsewhere: *Provided*, That nothing herein contained shall authorize the company to carry goods or passengers to and between Philadelphia and any other points in the Delaware river and bay northward of the Breakwater.

Name. Capital stock. SECTION 6. That the capital stock of the company shall be two hundred and fifty thousand dollars, in shares of one hundred dollars each; and when the full amount of subscription shall be paid in, it shall be capable of being increased to any sum not exceeding double the amount, by actual subscription upon vote by the stockholders at an annual meeting.

Letters patent. SECTION 7. That when it shall be certified to the Executive that one thousand shares (amounting to one hundred thousand dollars) shall have been subscribed, and five dollars upon each share actually paid, it shall be the duty of the Governor to issue letters patent, creating the subscribers, their successors and assigns, a body corporate, with perpetual succession, under the title of "The Marine Transportation Company, of Philadelphia."

SECTION 8. That the company shall have power to construct or purchase and use steam and other vessels, to purchase, hold, sell, and convey real and other estate convenient for their purposes, to use a common seal, to sue and be sued, to make by-laws upon all lawful subjects not herein provided for, and to do all other acts and to possess all other rights lawfully appertaining to a corporate body created for such purposes: *Provided*, That nothing herein contained shall be construed to confer on the said corporation any banking, trading, or mining privileges, or the right to hold real estate other than wharves and storehouses necessary for the transaction of the business of the company: *And provided also*, That it shall not be lawful for the said corporation at any time to contract debts exceeding in amount the one-half of the capital stock.

SECTION 9. That upon the ensembling and receipt of the letters patent, the commissioners shall give notice and appoint a time and place at which the stockholders shall elect by ballot a president and four directors to conduct the business of the company until the first Monday of January then next ensuing, when their successors shall in like manner be elected to serve for one year, and so annually thereafter; no failure to elect shall work a forfeiture. The president and directors shall fill any vacancy that may occur from any cause in their own body, until the next annual election. A majority of the president and directors shall be a quorum for the transaction of business at any regular meetings of their board. No person shall be president who shall not own at least one hundred shares (say ten thousand dollars) of stock, nor a director who shall not own at least fifty shares (say five thousand dollars) of stock, which shall be incapable of alienation or incumbrance during his continuance in office, and shall remain as security to the company for the faithful performance of duty by every such officer.

SECTION 10. That the president and directors of the company shall be severally liable as sureties for debts of the company incurred during their continuance in office, in a sum equal and additional to the amount of stock herein required to be respectively held by them.

SECTION 11. That annual meetings of the company shall be held on the first Monday in January of each year, and special meetings shall be called at any time upon five days' public notice, upon the written application of stockholders representing fifty or more shares of stock. In all meetings stockholders representing one-third of the capital stock shall be a quorum for the transaction of ordinary business. Every share of stock shall entitle the holder to one vote.

SECTION 12. That the president and directors shall keep records of all proceedings and votes; they shall or may appoint a treasurer, clerks, and other officers, with reasonable salaries. Exact accounts shall be kept, subject to inspection at all reasonable times, by any stockholder possessing ten shares of stock. No director shall be salaried, nor shall the president or treasurer receive any compensation for services rendered prior to the time when the first vessel shall have been put into actual service.

SECTION 13. That accurate statements of the accounts and of the affairs of the company shall be annually made to the stockholders by the president. Dividends of the clear profits earned may be made semi-annually by the president and directors: *Provided*, That the capital of the company shall remain unimpaired.

SECTION 14. That any officer (whether president, director, treasurer, clerk, or other person employed by the company) charged in writing by three stockholders with misappropriation of securities or property, or with false accounts or statements of the affairs of the company herein

required, or with gross and intentional mismanagement, may be immediately expelled from office at any special or other meeting by a vote of a majority of stockholders present, which majority shall represent at least one-third of the capital stock of the company; and all the stock of the offender shall in such case be held by the company against any lien or incumbrance as security for any possible loss, and shall be liable to be sold by them in reimbursement in such public manner as they may direct, upon ascertainment of such loss in any action at law by the company against such officer.

Stock transfer-
able.

SECTION 15. That the stock shall be transferable only upon the books of the company in person or by attorney, or as otherwise specially may be directed by the company. If any instalments upon stock subscribed for or owned by any person shall remain unpaid for six months after payment shall have been required by the president and directors, the stock shall not be transferable without the consent of the board, but shall at their option be forfeited to the use of the company.

Tax.

SECTION 16. That the tax annually payable shall be equal to one-half mill upon each one per cent. of the dividends and profits declared and paid by the company.

Reservation.

SECTION 17. That the legislature reserves the right to alter or repeal this charter without injustice to the company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 314.

A N A C T

Extending the time for the completion of the Hollidaysburg and Bedford turnpike road, relative to the collection of certain taxes in Huntingdon county, authorizing Greensburg and Mount Pleasant to subscribe stock in a plank road company, to the sale of malt liquors in the city and county of Philadelphia, to certain school districts in Erie and Warren counties, and confirming a certain power of attorney to George Morris Knevelt.

Hollidaysburg
and Bedford
turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time fixed by the fifteenth section of the act entitled "An Act authorizing the Governor to incorporate the Hollidaysburg and Bedford Turnpike Road Company" for the completion of the road authorized to be made by said act, be, and the same is hereby extended for a period of seven years after the passage of this act.

Powers.

SECTION 2. That said company shall have power to complete said

road or any part thereof by piking the same with clay or gravel or stone, as they may deem advisable.

SECTION 3. That it shall be lawful for said company to construct a plank road over the whole distance of the proposed turnpike, or over any part or parts thereof: *Provided*, That in so doing the said company shall be subject to all the provisions and restrictions of the original act incorporating said company, and also subject to the provisions and restrictions of "An Act regulating Turnpike and Plank Road Companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with each other and with the provisions of this act.

Further powers.

SECTION 4. That the said Hollidaysburg and Bedford Turnpike Road Company, having first obtained the consent of the Hollidaysburg and Bedford Plank Road Company to do the same, may make a plank road in lieu of a turnpike road from, at, or near Lehmer's tavern below the town of Freedom, in Blair county, to the borough of Bedford, or as near thereto as may be deemed advisable under and according to the general law regulating plank roads in this Commonwealth: *Provided however*, That the provisions of this section shall in no way impair or limit the powers or privileges granted to the Hollidaysburg and Bedford Turnpike Road Company by the second and third sections of this act.

Said company authorized to make a plank road.

SECTION 5. That George Wilson, administrator de bonis non of James Leonard, late of Barre township, in the county of Huntingdon, deceased, be, and he is hereby authorized to collect so much of the State, county, and school taxes of the said township for the year one thousand eight hundred and forty-one, as remain unpaid on the duplicates then in the hands of the said James Leonard, and to make use of the same authority and means that the said James Leonard had at any time to collect the same: *Provided*, That the right hereby granted shall cease at the expiration of one year from the passage of this act.

George Wilson, administrator, &c., authorized to collect certain taxes in Barre township, Huntingdon county.

SECTION 6. That the boroughs of Greensburg and Mount Pleasant, in the county of Westmoreland, are hereby severally authorized and empowered to subscribe through their corporate officers for any number of shares which may be deemed expedient by said officers, not exceeding four hundred for each borough, in the capital stock of the Greensburg and Mount Pleasant Turnpike and Plank Road Company; and the said boroughs are hereby severally authorized to issue bonds for such sums as may be required to meet the payments on said stock, and to sell or pledge the said bonds or the said stock as may be expedient: *Provided*, That said bonds shall not be for less than the sum of one hundred dollars each, nor have more than twenty years to run, and shall bear interest at the rate of six per cent. per annum.

Greensburg and Mount Pleasant Turnpike and Plank Road Company, subscriptions to.

SECTION 7. That from and after the passage of this act, shopkeepers in the city and county of Philadelphia vending malt liquors, whose annual sales do not exceed five hundred dollars, shall pay five dollars per annum for a license.

License of shopkeepers selling malt liquors in Philadelphia city and county.

SECTION 8. That the school directors of Concord township, Erie county, be, and they are hereby authorized and empowered to assess and collect any amount of tax that they may deem necessary, not exceeding in the whole three hundred dollars, upon the property taxable for school purposes in sub-district number five in said township—the amount so assessed and collected to be applied to the building a school house in said sub-school district number five in said township.

Taxes in Concord township, Erie county.

SECTION 9. That the school directors of the several townships of

Relative to school tax in certain townships, Warren county.

Columbus, Pine Grove, Deerfield, and Sugar Grove, in the county of Warren, are hereby authorized to levy a tax upon the taxable property of any sub-district within said township, for the purpose of erecting and repairing a school house for said sub-district, and purchasing land upon which to place it, whenever in their judgment such house and repairs may be needed.

Preamble.

WHEREAS, A power of attorney was given by John Munton, Thomas Draper, and John North Wilkins, trustees under the wills and codicils of Thomas Cobb and Timothy Cobb, formerly of England, to George Morris Knevelt, to sell and convey certain real estate within this Commonwealth, which was sealed and signed partly in the presence of Edward Cobb, Mayor of Banbury, and partly in the presence of Thomas Rolls, Mayor of Chepping Morton—and the official character of said Mayors were certified by the Consul of the United States at London, under the hand of the said Consul and the official seal of the consulate, and which said power of attorney is dated the ninth day of November, one thousand eight hundred and fifty; therefore,

Certain power of attorney to George Knevelt confirmed.

SECTION 10. That the said power of attorney shall be deemed and adjudged good and sufficient evidence in any court of this Commonwealth, and shall in like manner be entitled to be received as if the same had been acknowledged by the parties thereto before some judge of a court or justice of the peace within this Commonwealth, and that extracts from the registry of the Prerogative Court of Canterbury of the wills and codicils in the said power of attorney vested, signed by the deputy register and certified by the Consul at London under the seal of the said consulate, shall be entitled to be read in evidence in any court of the Commonwealth, and to be recorded in the proper Recorder's office as evidence of title.

Provisions of certain act of Assembly extended to political and social meetings.

SECTION 11. That the provisions of the fourth section of "An Act passed sixteenth March, one thousand eight hundred and forty-seven, to restrain disorderly conduct at religious meetings," be, and the same are hereby extended to political and social meetings.

Powers of aldermen, justices of the peace, &c.

SECTION 12. That any justice of the peace or alderman shall have power to depute any person to act as constable, in case of the absence of the proper officer, to arrest any offender of said provisions of said act.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 315.

A FURTHER SUPPLEMENT

To the act entitled "An Act authorizing the Governor to incorporate the Bear Mountain Railroad Company," and for other purposes, passed July thirteenth, one thousand eight hundred and forty-two, and relative to roads, streets, and alleys in the borough of Pottsville, in Schuylkill county, to hawkers and pedlars in Armstrong and Carbon counties, to the Bethany and Dingman's choice turnpike road, to the district of West Philadelphia, to the bottling of cider and malt liquors, licensing billiard rooms and bowling saloons, to the district of Moyamensing, and to authorize Charles B. Mench to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the completion of the railroad authorized to be constructed by the Bear Mountain Railroad Company be, and the same is hereby extended for the term of seven years; and the said company are hereby authorized to construct a branch road to connect with any of the branches of the Mine Hill and Schuylkill Haven railroad, and to increase their capital, if necessary, six hundred thousand dollars.

Bear Mountain railroad, time of completion extended.

SECTION 2. That the tenth section of the act of the General Assembly of the eighth day of May, one thousand eight hundred and fifty, entitled "An Act authorizing the First German Reformed Congregation of Lancaster to sell certain real estate, relative to the common schools in the city of Lancaster, to a certain tavern license in Lancaster county, to Girard avenue, in the district of Penn, to authorize the school directors of North-west Ward, Reading, to borrow money, relative to the real estate of George Flowers, of Philadelphia, deceased, to powers of Courts of Quarter Sessions, to justices of the peace and their sureties, to opening and grading streets, &c., in the borough of Pottsville, to the sureties of Jacob Sallade, late Surveyor General, and to Marsh and Penn streets, in the district of Kensington, and relative to actions of ejectment," be, and the same is hereby repealed.

Repeal of certain act for the regulation of streets, lanes, &c., in the borough of Pottsville.

SECTION 3. That hereafter no person or persons shall sell or expose to sale within the counties of Armstrong and Carbon, as a hawker or pedlar or traveling merchant, any ready made household furniture, without first obtaining a license so to do, and paying therefor to the treasurer of said county, for the use of the Commonwealth, the sum of fifty dollars, which license the treasurer of said county is hereby authorized to grant upon the payment of said sum.

Hawkers and pedlars in the counties of Armstrong and Carbon, regulated.

SECTION 4. That if any person or persons shall so engage, or be concerned in hawking and peddling as aforesaid within said counties, without first having obtained a license as aforesaid, he shall forfeit and pay the sum of one hundred dollars, the one-half for the use of the Commonwealth and the other half for the use of the person who shall prosecute for the same; the said penalty to be recovered by action of debt before any justice of the peace as debts of like amount are by law recoverable; and every repetition of said offence shall be considered and punished as a new offence. And every person so employed who upon demand shall refuse to exhibit his license, shall forfeit and pay the sum

Penalty for violation of said act.

of twenty dollars, to be recovered in the same manner and for the same uses as aforesaid.

Further regulations for Armstrong county.

SECTION 5. That hereafter no person or persons shall sell or expose to sale within the county of Armstrong, as a hawker, pedlar, or travelling merchant, any tin wares, unless the same be manufactured in said county, under the penalty of ten dollars for each and every offence, which penalty shall be recovered as other debts are by law recoverable; one-half to be paid to the informer and the other half to the county.

Provisions of certain act extended to certain turnpike road companies.

SECTION 6. That the president, managers, and company of the Bethany and Dingman's choice turnpike road, the president and managers of the Bethany and Honesdale Turnpike Road Company, the president and managers of the Honesdale and Clarksville Turnpike Road Company, the president and managers of the Honesdale and Big Eddy Turnpike Road Company, the president and managers of the Honesdale and Cherry Ridge Turnpike Road Company, and the president and managers of the Cherry Ridge and East Sterling Turnpike Road Company, shall in the width of their artificial roads be respectively subject to the provisions of the eleventh section of an act of Assembly entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, A. D., eighteen hundred and forty-nine. And hereafter in all proceedings against either of said companies for any neglect to keep their respective roads in good travelling order and repair, they shall respectively be subject to the provisions of the fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth sections of said act of Assembly entitled "An Act regulating turnpike and plank road companies."

West Philadelphia added to the Philadelphia police district.

SECTION 7. That the district of West Philadelphia is hereby added to and shall hereafter form a part of the Philadelphia police district, and shall have the same rights and privileges and be subject to all and singular the same conditions and restrictions in all respects as other incorporated districts within the Philadelphia police district.

Bottlers of cider, &c., not required to take license as a tavern keeper.

SECTION 8. That no bottler of cider, perry, or malt liquors, who does not pursue the business of a tavern keeper, shall be hereafter required to take out a license as a tavern keeper.

License of billiard rooms, bowling saloons, and ten-pin alleys regulated.

SECTION 9: That no license shall be hereafter granted to any person who may keep a billiard room, bowling saloon, or nine or ten pin alley, unless such person shall pay in the city and incorporated districts of the county of Philadelphia, city of Lancaster, and city of Pittsburg, for such license, at the rate of thirty dollars for the first billiard table, bowling alley or nine or ten pin alley, and ten dollars for each and every additional billiard table, bowling alley or nine or ten pin alley in any one establishment used for any such purpose—said license to be collected in the city and county of Philadelphia in the same manner as now provided by law in the case of tavern licenses.

Relative to gas pipes in the district of Moyamensing.

SECTION 10. That the sixteenth section of an act entitled "A supplement to an act entitled 'An Act to prevent waste in certain cases, &c.,'" approved the twenty-second day of April, A. D., one thousand eight hundred and fifty, shall be construed to authorize the commissioners of Moyamensing, in the county of Philadelphia, to charge owners of property with the cost and expenses of laying gas pipes that were laid prior to the passage of said act, in all respects and in like manner as if such pipe had been laid subsequent to the passage of said act.

Preamble.

Whereas, Charles F. Thresen and wife, by their indenture bearing date the ninth day of September, Anno Domini, one thousand eight

hundred and forty-seven, and intended to be forthwith recorded, did sell and convey unto Charles B. Mench, his heirs and assigns, all that three-story brick messuage or tenement and lot or piece of ground situate on the easterly side of the Moyamensing road, in the district of Southwark, and county of Philadelphia, and containing in front or breadth on the said road fifteen feet nine inches and five-eighths of an inch, including the half of an alley left open between the same and the adjoining messuage and lot on the north, and extending in length or depth eastward to a line midway or equi-distant from the said road and Second street, bounded as therein mentioned, in trust to pay the rents and income thereof unto Maria Mench for the term of her natural life, and after her decease to hold the said premises for the proper use and behoof of such of the children of the said Maria Mench by said John O. Mench as should be living at her death, and the issue of such children as might then be deceased, share and share alike, as by reference to the said indenture more fully appears;

And whereas, It has been represented that the consideration therefor mentioned in said deed was of the proper moneys of her the said Maria Mench; therefore,

SECTION 11. That the said Charles B. Mench be, and he is hereby authorized and empowered by and with the consent of the said Maria Mench (to be testified by her joining in and duly acknowledging the deed of conveyance therefor) to sell and dispose of at public or private sale, in the fee simple or otherwise, the said above-described premises, and to convey the same to the purchaser or purchasers thereof freed and discharged from said trusts, with the like effect as though a clause had been originally inserted in said deed giving such power to said trustee, and without liability on the part of such purchaser or purchasers to see to the application or investment of the purchase money: *Provided*, The Orphans' Court of said county shall approve of and confirm such sale or sales: *And provided further*, That said trustee shall give good and sufficient security, to be approved of by said court, for the faithful and proper application of the moneys arising from such sale.

Charles B.
Mench, trustee,
&c., authorized
to sell real estate.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 316.

AN ACT

To incorporate the Vigilant Hose Company of the district of Southwark, in the county of Philadelphia, authorizing the directors of Spruce ward, in the city of Reading, to borrow money, to lay out a State road in York and Cumberland counties, in relation to the district of Penn and to the Fireman's Insurance Company of Northampton county, to the borough of Allentown, to a road from the Susquehanna river to the State Lunatic Hospital, to extend the provisions of the act relating to manufacturing operations to the business of printing and publishing, to holding elections in Richmond, Philadelphia county, to the claim of William Donachy, to the vending of mineral water in Chester county and the city and county of Philadelphia, to the estate of Henry Manly, deceased, to holding elections in West Philadelphia.

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every person that shall at the time of the passing of this act, or shall at any time hereafter be admitted as members of the association called "The Vigilant Hose Company of the district of Southwark, in the county of Philadelphia," shall be, and they are hereby declared to be one body politic and corporate in law by the name, style, and title, of "The Vigilant Hose Company of the district of Southwark, in the county of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and to take, receive, and hold all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments which may at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed to the said "The Vigilant Hose Company of the district of Southwark, in the county of Philadelphia," or to any person or persons for their use or in trust for them; and the same lands and tenements, rents, annuities, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation and their successors forever. And the said corporation and their successors are hereby declared to be seised and possessed of such estate or estates herein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof, is or are declared, limited, and expressed; and also that the said corporation and their successors at all times hereafter shall be able to purchase, receive, have, hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels, of what nature, kind, or quality soever, real, personal, or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien, and dispose of: *Provided,* That the clear yearly value of the messuages, houses, lands and tenements, rents, annuities, and other hereditaments, and the real estate of the said corporation, and the interest on money by them lent, shall not exceed the sum of two thousand dollars; and also to make and have a common seal, and the same to break, alter, and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the govern-

ment of the said corporation, not being contrary to the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. That nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, monied, commercial, mining, or manufacturing concern, or to act in any other way than as a fire company. Banking privileges prohibited.

SECTION 3. That the Legislature reserves the right to amend, alter, or annul the chartered privileges granted by this act. Reservation.

SECTION 4. That the school directors of Spruce ward, in the city of Reading, be, and are hereby authorized to borrow any sum of money not exceeding two thousand five hundred dollars, and to secure the repayment of the same by judgment or mortgage on the real estate of said board of school directors in the ward aforesaid. School directors of Spruce ward, Reading, authorized to borrow money.

SECTION 5. That Richard Boone and Jeremiah Boone, the persons named in the last will and testament of George Douglass, late of Amity township, Berks county, or the survivor of them, are hereby authorized and empowered to sell at public sale at such price or prices and on such terms of payment as may be deemed expedient and most conducive to the interest of the parties interested, all or any part of the real estate mentioned in the sixth clause of the said last will and testament of the said George Douglass, deceased, and to make and execute to the purchaser or purchasers thereof a good and sufficient deed or deeds of conveyance and assurance in the law for the same, which conveyance and assurance shall vest in such purchaser or purchasers all the estate, right, title, and interest in law and equity, which the said George Douglass at and immediately before his death had and held in the same, as fully and completely and with like effect as if said conveyance and assurance had been made and executed by the said George Douglass in his lifetime, and that the moneys arising from said sale or sales be held by said Richard Boone and Jeremiah Boone, and the survivor of them, in trust for the persons, uses, and estates named, described, and declared in the said last will and testament of the said George Douglass of and concerning the real estate as aforesaid authorized to be sold: *Provided however*, That before any such sale or sales be made the said Richard Boone and Jeremiah Boone, or the survivor of them, shall enter into a bond with sufficient surety, to be filed in and approved by the Orphans' Court of Berks county, conditioned for the faithful and legal application of the proceeds of sale or sales. That subsequent to said sale or sales the said Richard Boone and Jeremiah Boone, or the survivor of them, shall file in the Orphans' Court of Berks county an account setting forth their proceedings under this act: *And provided further*, That the Orphans' Court of Berks county shall approve of and confirm such sale or sales. The person named in the last will of George Douglass authorized to sell real estate.

SECTION 6. That subsequent to said sale or sales the said Richard Boone and Jeremiah Boone, or the survivor, shall file in the Orphans' Court of Berks county an account setting forth their proceedings under this act: *And provided further*, That the Orphans' Court of Berks county shall approve of and confirm such sale or sales. Required to file an account.

SECTION 7. That John Elcock, Henry Logan, and John Krall, of the county of York, and Lewis Hyer, of the county of Cumberland, be, and they are hereby appointed commissioners to view and lay out a State road commencing in the public road leading from Lisburn to Carlisle near the dwelling house of Henry Grove, in Cumberland county, thence by way of Siddonstown, Joseph Krall's tavern, and Commissioners.
Location of road.

Rossville to a point in the State road leading from the Yellow Breeches creek, in Cumberland county, to Dover, in York county, at or near the town of Dover aforesaid.

Duties of the commissioners.

SECTION 8. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the present road and grounds adjacent between the aforesaid points, and lay out the same as near to a straight line from point to point as the nature of the ground and other circumstances will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams where by moderate excavations, filling, or bridging, the declination of the said road may be preserved within that limit; and the said commissioners are hereby authorized and required to vacate any road or part thereof that may in their opinion be rendered useless by this act.

Pay of commissioners, &c.

SECTION 9. That it shall be the duty of the said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties enjoined by this act, the said commissioners shall be allowed the sum of one dollar and fifty cents each per day for every day they shall necessarily be employed in performing the duties assigned by this act. And the said commissioners are hereby authorized to employ a surveyor at a per diem allowance not exceeding two dollars, and two chain bearers and one axeman at a per diem allowance not exceeding one dollar for every day necessarily employed.

Draft.

SECTION 10. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road respectively, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads, and waters, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the twentieth day of May next, and one copy in the office of the clerks of Court of Quarter Sessions of the respective counties through which the said road may pass at the time aforesaid, or as much sooner as practicable; and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid: *Provided*, The said road shall not exceed thirty-three feet in width.

Meeting of commissioners.

SECTION 11. That the said commissioners shall meet at Siddonstown on or before the twenty-first day of April, Anno Domini, one thousand eight hundred and fifty-one, or as soon thereafter as practicable, and proceed to perform the duties aforesaid; and if any vacancy or vacancies occur by resignation or otherwise, the remaining commissioner or commissioners shall fill the same by the appointment of a suitable person or persons who shall perform the duties aforesaid.

Accounts.

SECTION 12. That the accounts of the said commissioners for their own pay and the pay of the surveyor, chain-bearers, and axemen, shall be made out returned to the commissioners of the counties of York and Cumberland, in proportion to the time spent in each in locating the said road, and shall be paid by the said county commissioners by orders drawn in the usual way.

Commissioners of the district of Penna authorized

SECTION 13. That it shall be lawful for the commissioners of the incorporated districts of the Northern Liberties and Spring Garden, in the county of Philadelphia, to enter upon, dig up, and open or to tun-

nel under any part of Thompson street in the district of Penn, as the same is now laid out and proposed to be opened, for the purpose of laying new main iron pipes of conduit along the same from the water works of the said district on the river Schuylkill to the reservoir thereto belonging: *Provided*, That before they shall enter upon the said premises for the purpose aforesaid, they shall give security in such sums and in such manner as shall be approved by the Court of Quarter Sessions of the county of Philadelphia, for the payment of such damages as shall be sustained by the owners of the soil through which the said Thompson street is laid out, in consequence of the opening and digging up the said Thompson street, or of tunnelling under the same for the purpose of laying the said conduit pipes. And the said damages shall be assessed according to the provisions and in the mode provided by the act of Assembly now in force in the county of Philadelphia for assessing the damages for opening the streets and highways, and shall be paid by the commissioners of the said districts out of their respective treasurers: *Provided nevertheless*, That if the commissioners of the said districts shall deem it expedient to open the said Thompson street as a public street or highway, it shall be lawful for them so to do, and to apply to the Court of Quarter Sessions of said county for the appointment of a jury to assess the damages if any which may be sustained by the owner or owners of land or property through which the said Thompson street is laid out from the water works of the said district on the river Schuylkill to the reservoir thereunto belonging, by reason of the same or any part thereof being taken for public use in opening that part of the said Thompson street; whereupon it shall be the duty of the said Court of Quarter Sessions forthwith to appoint a jury for the purposes aforesaid, and the same proceedings shall be had thereon and the same damages shall be assessed and paid in the manner now provided by law for opening streets and highways in the county of Philadelphia: *And provided*, That the county of Philadelphia shall not be liable for any damages which may be incurred by the opening of said street.

SECTION 14. That the deed of conveyance executed by Jacob Hummell, assignee of Daniel Snyder, to John Renner, Jr., dated April, Anno Domini, one thousand eight hundred and forty-four, for a tract of land situated in Washington township, Lycoming county, containing one hundred and twenty acres and thirty perches allowance measure, and recorded in said county of Lycoming on the twenty-ninth day of May, Anno Domini, one thousand eight hundred and forty-seven, in deed book E E, page five hundred and sixty-three and five hundred and sixty-four, shall divest the right of the wife of the said Daniel Snyder to all claim of dower in said tract of land in case she should survive her said husband, the same as if she had joined her husband in the deed of assignment to said Jacob Hummell, and acknowledge the same according to law.

SECTION 15. That the said deed of assignment from Daniel Snyder to Jacob Hummell, is hereby construed so as to deprive the wife of the assignor of any claim of dower in the real estate assigned in case she should survive her husband; and the sale from the assignee to John Benner, Jr., placed on the same footing as if the land had been sold by the sheriff of Lycoming county on process issued on the judgment against the said assignor.

SECTION 16. That the premiums to be paid by each and every person or persons who may insure shall not be less than one-half per cent. nor more than ten per cent. of the amount he may insure, having due regard

to enter upon,
and dig up, and
open or tunnel
Thompson
street, &c.

Deed of conveyance executed by Jacob Hummell, assignee of Daniel Snyder, to John Renner, jr., shall divest the right of wife of said Snyder to claim of dower.

Construing said deed of assignment.

Insurance.

for the situation of the subject insured and as the nature of the case shall and may require; and which premium or deposit shall remain as a pledge for the performance of his, her, or their covenants, and that each and every person or persons insuring shall be a member of this corporation and be entitled to all the privileges specified in this act. And be it further enacted, that the sixth section of the act incorporating said company be, and the same is hereby repealed.

Street commis-
sioners of the
borough of Al-
lentown author-
ized to open a
certain street.

SECTION 17. That the street commissioners of the borough of Allentown, in the county of Lehigh, are hereby authorized and required to open the street leading from the Southern termination of Jefferson street in said borough of Allentown, to the road leading from said borough to Wormans Spring, in Northampton township, in the county aforesaid, as surveyed and laid down in the report of viewers acting under authority of an order of the Court of Quarter Sessions of said county, dated September third, one thousand eight hundred and forty-nine, that the said street be opened to the width of forty feet so as to coincide with the width of said Jefferson street, and that the damages accruing to the owners of property in opening said street be assessed and paid in like manner as is provided by the seventh, eighth, and ninth sections of the act of the thirteenth of June, Anno Domini, one thousand eight hundred and thirty-six, entitled "An Act relating to roads, highways, and bridges."

Road from the
State Lunatic
Hospital to the
Susquehanna
river, expenses
of by whom to
be paid.

SECTION 18. That the road authorized to be laid out and opened from the Pennsylvania State Lunatic Asylum to the Susquehanna river, by the act of sixth day of February, one thousand eight hundred and fifty, shall be laid out and opened at the expense and cost of the county of Dauphin, and the same shall be kept in repair by the township of Susquehanna.

Certain act ex-
tended to the
business of
printing and
publishing.

SECTION 19. That from and after the passage of this act, the several provisions of the act of Assembly passed the seventh day of April, in the year eighteen hundred and forty-nine, entitled "An Act to encourage manufacturing operations in this Commonwealth," be, and the same are hereby extended to the business of printing and publishing: *Provided*, That whenever the dividends declared as specified in the fourteenth section of said act shall exceed six per cent. on the capital actually employed, such excess shall be divided pro rata among the stockholders and such persons as may have been employed by the company during the period in which the net profits out of which the dividend is declared shall have been realized: *And provided further*, That the dividend so declared pro rata in favor of the stockholders shall in no case exceed twelve per cent., and that the dividend so declared pro rata in favor of the said employees shall be determined by the several amounts of their respective earnings or salaries, which shall not, however, extend to a period of more than six months previously, or to sums of less than fifty dollars.

Elections in the
district of Rich-
mond.

SECTION 20. That the qualified voters of the district of Richmond, in the county of Philadelphia, shall hereafter hold their special and district elections at the house now occupied by Hugh Edams, in Richmond street, near the Philadelphia and Reading railroad.

Relative to the
vending of
mineral waters
in Chester
county.

SECTION 21. That the proviso in the first section of an act entitled "A Supplement to an act relative to the venders of mineral waters, and an act relative to the Washington Coal Company, sheriff's sales of real estate, to the substitution of executors and trustees when plaintiffs, to partition in the Courts of Common Pleas, and for other purposes," be,

and the same is hereby repealed, so far as relates to the county of Chester.

SECTION 22. That all and singular the penalties provided for in the first section of the act approved the ninth day of April, one thousand eight hundred and forty-nine, entitled "A Supplement to an act relative to the venders of mineral waters, and an act relative to the Washington Coal Company, to sheriff's sales of real estate, the substitution of executors and trustees when plaintiffs to partition in the Courts of Common Pleas, and for other purposes," may be sued for and recovered by the parties respectively entitled thereto, as debts of like amount are by law recoverable, and any alderman or justice of the peace granting process of search by virtue of the said act, may proceed to hear and finally determine as to the delivery to the claimant of any bottles found and seized under the said process.

Further provisions relative to venders of mineral waters.

SECTION 23. That Henry T. Manly, the trustee of Anna G. Clark, wife of Charles E. Clark, named in the will of Henry Manly, deceased, be, and he is hereby authorized, by and with the consent of said Anna G. Clark, to sell and dispose of either at public or private sale, or to mortgage the whole or such parts of the real estate held by him in trust for her as from time to time may be deemed proper, said sales to be in fee or upon ground rent, as may be thought proper by said parties, and without any liability on the part of the purchaser or purchasers or mortgagees to see to the application of the purchase or mortgage money or moneys received in extinguishment of any ground rent to be reserved under the provisions hereof, as also of the arrearages falling due from time to time: *Provided however*, That said sale be first approved by the Orphans' Court of the county of Philadelphia, and that said Henry T. Manly give security to be approved by the said court for the faithful and proper distribution of proceeds of said sale or sales.

Trustee and guardian named in the last will of Henry Manly authorized to sell real estate.

SECTION 24. That Anna Manly, testamentary guardian of Henry T. Manly, a minor named in the said will, be, and she is hereby authorized to sell and dispose of, either at public or private sale, the whole or such parts and portions of the real estate of said minor as she may deem proper either in fee or upon ground rent, and without any liability on the part of the purchaser or purchasers to see to the application of the purchase money or moneys paid for the extinguishment of any ground rent to be reserved under the provisions of this act or any arrearages thereof: *Provided however*, That such sales, whether in fee simple or upon ground rent, shall first be approved by the Orphans' Court for the city and county of Philadelphia, and that said testamentary guardian shall first give sufficient security to be approved by said court for the faithful appropriation and application of the proceeds of said sales, and the proper execution of the trust.

SECTION 25. That the sixteenth section of an act entitled "An Act to regulate certain election districts, defining duties of street commissioners of New Brighton, Beaver county, and for other purposes," approved the twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one, shall not be construed to authorize the erection of gas works in the district of Southwark or Moyamensing, or the laying of gas pipes through said districts or any part thereof lying east of the eastern boundary of Broad street, without the consent of the commissioners of the proper district.

Relative to gas works in Southwark and Moyamensing.

West Philadel-
phia, elections
in.

SECTION 26. That the qualified voters of the Third Ward, West Philadelphia, shall hereafter hold their general and Spring elections at the school house in said ward.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 317.

AN ACT

To incorporate the Temple Hall Association of the county of Philadelphia, and relative to the borough of Aramingo, in said county, to authorize the laying out of a State road in Perry and Franklin counties, and relative to the supervisors in North Penn township, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James M. Leddy, Christopher J. Shorday, George Hall, Joseph S. Langer, John G. Michener, Edward Brewer, Francis M'Bride, Jonathan J. Morrison, Anthony Davis, John W. Lee, John Beatty, John Darlin, Thomas Haney, Andrew Reidheffer, John Sidney Jones, Hugh Clark, Robert Laughlin, Solomon Wagner, William O. Kline, Bernard Haney, William R. Murphy, John Hansworth, Daniel J. Cox, Christian Hubbert, Robert D. Sherrod, and William Frank, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby erected and created into a body corporate and politic in deed and in law, by the name, style, and title, of "The Temple Hall Association of the county of Philadesphia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and to take and to hold to them and their successors either by grant, gift, devise, or release, any land or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of said association any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest, from any person or persons whatsoever, and the same at their pleasure to grant, bargain, and sell, for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said assciation: *Provided*, That the clear yearly income from the property owned and possessed by said association shall not exceed the sum of three thousand dollars.

Corporators.

Style.

Privileges.

Capital stock.

SECTION 2. That the capital stock of the said corporation shall not

exceed the sum of thirty thousand dollars, divided into six hundred shares of fifty dollars each, five dollars to be paid on each share at the time of subscribing, and the balance, or so much thereof as may be required, to be paid in at such times as the by-laws of said corporation may require. Said stock shall be held as personal property and transferred under such regulations as said corporation by their by-laws shall direct.

SECTION 3. That said commissioners, or at least five of them acting in the premises as aforesaid, shall as soon as conveniently may be after one-fourth of said stock shall have been subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, giving due notice thereof either personally or by advertisement; and the subscribers when so met shall proceed to organize by making by-laws, electing directors, and doing such other matters and things as shall be necessary to carry out the objects of this act, and not contrary to the laws of this Commonwealth. Organization.

SECTION 4. That the object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the district of Kensington, in the county of Philadelphia, for the accommodation of various lodges and associations of Masons, Odd Fellows, Druids, Beneficial Societies, and other associations now or hereafter to be established, and suitable also for a room to be used for a library or lecture room. Object.

SECTION 5. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purpose of the corporation hereby constituted and as herein expressed. Seal.

SECTION 6. That the commissioners of the borough of Aramingo, in the county of Philadelphia, are hereby authorized and empowered to levy a tax not exceeding three mills on the dollar on the value of all property assessed within the limits of said borough; and so much of the sixth section of the act of incorporation of said borough, approved April eleventh, one thousand eight hundred and fifty, as is inconsistent herewith, is hereby repealed. Commissioners of the borough of Aramingo authorized to levy tax.

SECTION 7. That James W. Linn, of Franklin county, George S. Hackett, of Perry county, and George H. Bueher, of Cumberland county, be, and they are hereby appointed commissioners, and a majority of them are directed to view and lay out a State road beginning at Loysville, in Tyrone township, Perry county, thence either by way of Concord or by way of Burn's valley, whichever they may deem most advantageous to the public interest, to Dry Run, in Franklin county. In all cases said commissioners shall select the most favorable ground, doing as little injury to private property as possible; and at no point are they to deviate from an horizontal line more than four degrees, except at the crossing of streams and ravines, where by moderate cutting, filling, or bridging the line of said road can be reduced to that declination. Commissioners. Location.

SECTION 8. That said commissioners before entering upon the performance of their duties shall take and subscribe an oath or affirmation before a justice of the peace to perform the duties of their appointments with fidelity; they shall be allowed one dollar and fifty cents per day for every day engaged in the performance of their duties, and shall keep a correct account of the number of days employed in each county, which shall be paid by the treasurers of the counties of Perry and Franklin, upon the rendition of the accounts of said commissioners; they shall employ one surveyor who shall receive two dollars per day, Commissioners to make oath, &c.

two chain carriers, one axeman, and one rodman, who shall each receive one dollar per day—all to be paid in the manner provided for the payment of the commissioners.

Mark route.

SECTION 9. That they shall enter upon the performance of their duties on or before the first day of June next, and shall distinctly mark out the line of the road (of the width of thirty-three feet) so that the supervisors may have no difficulty in finding the same; they shall make three drafts on which shall be carefully noted the courses and distances as well of the main line as of lateral roads extended, and all roads vacated, one of which shall be deposited in the office of the Secretary of the Commonwealth, and the others with the clerks of the courts of Perry and Franklin counties, to be deposited in their respective offices.

Power to vacate roads.

SECTION 10. That said commissioners shall have authority to vacate any road supplied by the new one, and to connect lateral roads when made necessary by vacating any old road.

Supervisors, duties of.

SECTION 11. That it shall be the duty of the supervisors of the townships through which the road passes, to open the same as soon after it has been laid out as possible.

Supervisors of North Penn township, Philadelphia county, pay of.

SECTION 12. That hereafter, the auditors of North Penn township, in the county of Philadelphia, in auditing and settling the accounts of supervisors of roads in said township, shall allow the said supervisor a compensation of four hundred dollars per annum.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 318.

AN ACT

To revive the charter of Bank of Beaver, for the purpose of collecting its debts.

Charter of the bank of Beaver revived for certain purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Bank of Beaver is hereby revived, and all the corporate powers, rights, and privileges heretofore exercised and enjoyed by the same bank under its charter, be, and the same are hereby declared to be in full force for the purpose of selling and disposing of all its estate of whatsoever kind or nature, for the collection of all debts due or unpaid to the same, and for the liquidation and final settlement of all its affairs, and until they are fully liquidated and settled and no longer: Provided, That nothing herein contained shall be so construed*

as to enable the said Bank of Beaver to issue any notes in the nature of bank notes, to make any future loans or discounts, or grant accommodations, or to recover any debts contracted by any future loan or accommodation.

SECTION 2. That all the corporate powers, rights, and privileges of the said Bank of Beaver, as revived and continued in force by the preceding section of this act, are, and the same are hereby vested in five trustees, to wit: John Barclay, John Allison, Matthew T. Kennedy, Hiram Stow, William Henry, and in the survivors and survivor of them, who shall continue to conduct the affairs of the said bank for the purposes in the said preceding section mentioned until they shall be fully wound up, and in all the acts of the said trustees on proceedings by them in law or equity, they may use the corporate name of the said bank as fully and lawfully as though the charter thereof had not expired.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 319.

AN ACT.

To erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes, relative to a certain road in Kingston township, Luzerne county, and to incorporate the Valley and Mountain Turnpike and Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all the territory embraced and included in the several tracts of land in the township of Denison, in the county of Luzerne, in the warrantee names of Thomas Wright, Josiah Wright, Jeremiah Warden, David Dean, Edward Lynch, Peter Thompson, Thomas P. Cope, Richard Sparks, Nathan Beach, Mary Eberton, Margaret Smith, Andrew Kennedy, Edward Lynch, George Heberton, Robert Hutshimer, and Jeremiah Parker, be, and the same is hereby erected into a separate district for road purposes; and all the road taxes upon said tracts of land shall be collected for the purposes of the road hereinafter authorized and provided to be made, and shall be payable by the owners and tenants of said tracts of land to the road-master hereinafter named and appointed, and to his successors elected pursuant to the provisions of this act; and the supervisors of the said township of Denison shall have no con-

trol over the road hereinafter authorized and provided to be made, and no control over any other road which shall hereafter be made by authority of law in said district, and the said supervisors shall have no authority to collect any road tax upon the said tracts of land so hereby erected into a separate district as aforesaid, and they shall be in no event responsible for any neglect to keep any road in said separate district in repair.

Commissioners of Luzerne authorized to provide for the collection of certain taxes.

SECTION 2. That the commissioners of the said county of Luzerne shall provide for the collection of the road tax upon all of the said tracts of land which shall remain unseated, upon the certificate of the road-masters hereinafter appointed and his successors, and the treasurer of said county is hereby directed to collect all such taxes, and pay over the same to the said road-master and his successors in the same manner as road taxes upon unseated lands in said county are now by law collected and paid over to the supervisors of the several townships therein; and the road taxes for the year eighteen hundred and fifty-one in said district, both seated and unseated, shall be paid to said road-master hereinafter appointed.

Joseph Berbeck appointed road-master.

SECTION 3. That Joseph Berbeck, of the said township of Denison, be, and he is hereby appointed road-master of the said separate district, to continue in office until his successor shall be elected by the legally-qualified voters of said district at the time and place fixed or to be fixed by law for the election of constable of the said township of Denison, in the year eighteen hundred and fifty-two, at which time and place a citizen of the said township residing in said separate district shall be elected road-master by the legally-qualified voters of said township residing in said district for the period of one year, and until his successor shall be elected; and at every succeeding annual election for constable in said township said voters residing in said district shall elect one person the road-master of said district to hold the said office for the said period of one year, and till the election of his successor; and the said road-master hereby appointed and his successors, shall within said district have all the powers and authority, be entitled to all the emoluments, and be subject to all the duties and penalties which the supervisors of the said township of Denison now by law have, are entitled, and subject to.

Commissioners.

Duties.

SECTION 4. That the said Joseph Berbeck, William F. Roberts, of the township of Butler in said county, and James Croak, of the said township of Denison, be, and they are hereby appointed commissioners to view and lay out a road from the "Old Lowrytown Road," at a point about one hundred and fifty feet north from the bridge across Green Mountain Run in Linesville, in the said township of Denison, to a point on the boundary line between the said townships of Denison and Butler, in the road from Conyngham to White Haven; and said commissioners shall make a plot and draft of the said road, and on or before the first day of May next, make a return of the courses and distances thereof with said plot or draft to the office of the clerk of the Court of Quarter Sessions of said county; and said commissioners shall be paid for their services in viewing, laying out, and returning said road the sum of two dollars per diem each, to be paid by the commissioners of said county of Luzerne by orders drawn upon the treasurer; and on the filing of said return the said clerk shall issue an order for the opening of said road to the said road-master, who shall proceed to open the same forthwith.

Court of Quarter Sessions of Luzerne county divested of certain powers.

SECTION 5. That the Court of Quarter Sessions of the said county of Luzerne shall have no jurisdiction to grant any order to review, vacate, change or alter, the road provided for by this act, but said court may grant orders for the laying out and opening of other roads in said separate district, pursuant to the provisions of this act.

Whereas, The road passing through the township of Kingston, from the northern line of the township of Plymouth to the southern line of the township of Exeter, in the county of Luzerne, was originally laid out and opened ninety-nine feet wide, but questions as to the legality of the width and as to the authority of the supervisors over the whole of the said width have occasionally arisen, and persons living along the line of said road have from time to time moved their fences into and otherwise occupied the same to the serious annoyance of the public; Therefore,

Preamble.

For remedy whereof, and to prevent any difficulties hereafter :—

SECTION 6. That the original lines and width of so much of the said road as extends from the southern line of the cross road leading from the village of Kingston to Wilkesbarre, to the southern line of the township of Exeter, be, and the same are hereby legalized and confirmed, and the space comprised within the same appropriated to the purposes of a public highway, to be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the different courts of this Commonwealth.

Kingston township, Luzerne county, relative to a certain road in.

SECTION 7. That the inhabitants living on or occupying land on either side of said road shall have the right to appropriate a portion of said road, not exceeding ten feet in width, to the purpose of side-walks and planting ornamental or shade trees; which portion shall, when once so appropriated, in no case be infringed upon by any supervisor for any purposes of the road or any other purpose whatever.

Side-walks.

SECTION 8. That Andrew Beaumont and W. W. Ketcham and Anson Atherton be, and they are hereby appointed commissioners to re-survey the said road, and ascertain and fix the original lines of the same. It shall be the duty of the said commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully retrace the original lines of the said road, and mark the same in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain carriers at a per diem allowance not exceeding one dollar; and the said commissioners shall respectively receive a per diem allowance not exceeding one dollar and fifty cents for every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

Commissioners.

Duties.

SECTION 9. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting the courses and distances as they occur; and on or before the first day September next deposit the said draft in the office of the clerk of the Court of Quarter Sessions of the county of Luzerne.

Draft.

SECTION 10. That the accounts of the said commissioners for their own pay and the pay of the surveyor and chain carriers, shall be made out and returned to the commissioners of the county of Luzerne, and be paid out of the treasury of said county on warrants drawn in the usual way. And the said commissioners shall meet on or before the first day of June next and complete the view as soon thereafter as practicable, and if any vacancy or vacancies occur shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duties.

Accounts.

SECTION 11. That as soon as practicable after the commissioners aforesaid shall have fixed the lines of said road, it shall be the duty of the supervisors of the township of Kingston to give ten days' notice to all

Fences.

persons whose fences or buildings are in the road, or who may in any way illegally occupy said road, to remove the same and clear the road, and in default of compliance with the said order, then to proceed in the manner prescribed by the general road act of this Commonwealth in such cases made and provided.

Penalty for cutting trees, &c., along said side-walks.

SECTION 12. That any person or persons who shall wilfully or knowingly cut, hack, break, or in any way injure any trees already standing, or which may hereafter be set out or planted along the side-walks made or to be made as aforementioned, or who shall ride or drive on the said side-walks, shall for every such offence on conviction before any justice of the peace in and for the county of Luzerne, beside the costs of prosecution, forfeit and pay not less than five nor more than fifteen dollars, one-half to the informer and one-half to the said township for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offenders goods by warrant, under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress he shall be committed to prison not less than ten days nor more than three months.

Commissioners.

SECTION 13. Thomas Irwin, J. Henry Hancock, Major Allen, William Montauge, John P. Rice, Jacob Rice, 2d, James R. Lewis, Thurman Atherton, Amos Brown, Obed Baldwin, Miles Con, Miles C. Richards, William J. Hunneywell, Joel J. Rogers, Milton Brown, Morgan Allen, William C. Reynolds, David Urquhart, Henry Worthington, Jeremiah Brown, and William M. House, of Luzerne county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Valley and Mountain Turnpike and Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from the Wilkesbarre bridge, in the township of Kingston, Luzerne county, to the village of Huntsville, in the township of Jackson, in said county, with power also to construct a road as aforesaid from McLellonsville, in the township of Dallas, in said county, to intersect the route last above mentioned, at or near the Fork's of Toby's creek, by such route as may be agreed upon and adopted by the stockholders, or a majority of them, at a meeting to be called for that purpose, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

Track.

SECTION 14. That the said shall have power and are hereby authorized to lay out and construct their said road and any part or parts thereof upon the track of any traveled road or roads along the route of the same, whenever to the said company it shall seem expedient.

Capital stock.

SECTION 15. That the capital stock of said company shall consist of eight hundred shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and to carry out the true intent and meaning of this act.

Commencement and completion of road.

SECTION 16. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, the sections of this act incorporating said company shall become null and void, except so far as

the same may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

320.

SUPPLEMENT

To an act entitled "An Act to incorporate the American Baptist Publication Society," approved March twentieth, one thousand eight hundred and forty-five, to invest in Susan Erwin the title to certain real estate, and relative to assessors in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the limitation contained in the following words "by, and the said corporation shall continue ten years and no longer," as found in the sixth section of an act entitled "An Act to incorporate the American Baptist Publication Society," approved the twentieth day of March, Anno Domini, one thousand eight hundred and forty-five, to which this is a supplement, be, and the same is hereby repealed, and the charter of the said society made perpetual.

SECTION 2. That all the right, title, claim, or demand which this Commonwealth may or might have acquired, or now has or is entitled to have or acquire by reason of a supposed escheat or right to escheat from the want of heirs of a certain Charles Erwin, late of the city of Philadelphia, deceased, in and to a certain small piece of ground in the said city south of High street, and between Decatur street and Seventh street, about twenty-one feet seven inches in length east and west, and about ten feet in breadth north and south—bounded on the north by parts of the rear end of two lots fronting on Market street, sold and conveyed by the sheriff to Elizabeth C. Erwin, Mary L. Erwin, Susan Erwin, junior, Margaret F. Erwin, and Louisa Erwin, south by Seventh street lot conveyed by Robert Erwin and wife to Abraham M. Cohen, west by the said last-mentioned lot, and east by a certain alley leading into Decatur street, whereof the said Charles Erwin was seised at the time of his death, be, and the same is hereby granted to and vested in Susan Erwin, of the city of Philadelphia, widow, her heirs and assigns forever.

SECTION 3. That at the general election to be held in October next, it shall not be required to elect in either of the several wards of the city of Philadelphia any person to fill the office of assessor; but that

Charter of the American Baptist Publication Society made perpetual.

Title to certain real estate vested in Susan Erwin.

Assessors in the city of Philadelphia, relative to.

the persons already chosen or appointed assessors in the several wards of said city shall continue in office for the full term for which they shall have been chosen or appointed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 321.

A SUPPLEMENT

To an act incorporating the New Hope, Doylestown, and Norristown Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the commencement of the New Hope, Doylestown, and Norristown Railroad, be extended for the space of three years from the first day of May, Anno Domini, one thousand eight hundred and fifty-one, and that the organization of the said company under their charter be continued in full force, with all the powers and privileges contained in the original act of incorporation and its supplements, and that the stockholders of the said company be authorized to elect on the first day of May next a board of directors and officers, and to do all other acts and things authorized by the said act of incorporation, and its supplements, as fully and effectually as if the said act were re-enacted with power to commence the work at the eastern termination of said road.

SECTION 2. That in lieu of the taxes imposed in the original act of incorporation, the same taxes shall be imposed on all tonnage and passengers passing over the road after its completion as now are or may hereafter be imposed on the Pennsylvania Railroad Company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

Time for the commencement of the New Hope, Doylestown, and Norristown Railroad Company extended.

No. 322.

AN ACT

To establish a board of health, and to secure the city and port of Pittsburg from the introduction of pestilential and contagious diseases, and relative to the granting of tavern licenses in Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the select and common councils of the city of Pittsburg, in a joint meeting to be held within thirty days after the passage of this act, and on the last Monday of January annually thereafter, shall elect nine citizens who shall be taxable inhabitants of the city who shall constitute the board of health, of which a majority shall be a quorum. Board of health

SECTION 2. That the board of health first elected and their successors shall be, and are hereby erected into a body corporate in deed and in law, by the name, style, and title of "The Board of Health of the city of Pittsburg," who shall have perpetual succession, and enjoy all the rights, liberties, and privileges, powers, authorities, and immunities, incident or belonging to a corporation or body politic, and by that name may take and hold all the real estate necessary for the purposes and objects of the corporation, and shall also have and execute the powers and authorities hereinafter mentioned. Incorporate.
Style.
Privileges.

SECTION 3. That the said board out of their own body shall choose a president, who shall preside at the meetings of the board, and whose place shall be supplied in his absence by the appointment of a chairman for the time, a secretary whose duty it shall be to keep fair minutes of all the proceedings, rules, and regulations of the board, and a treasurer who shall give bond in amount and with sureties to be approved by the board, who shall receive all moneys belonging to the corporation, and pay and disburse the same upon the order of the board signed by the president and attested by the secretary, who shall keep fair and just accounts of his receipts and expenditures, and make extracts thereof whenever the board shall require the same, and shall once in every year, his accounts having been allowed by the board, publish the same in two newspapers published in the city of Pittsburg. Officers.

SECTION 4. That the said board shall sit upon their own adjournment as they shall deem necessary, but shall meet at least three times a-week between the first day of June and first day of October in every year, and also when the board shall be especially convened by order of the president or any two of the members. Meeting of board of health.

SECTION 5. That the said board shall have and is hereby invested with full power, when they shall deem it necessary for the protection of said city against any prevailing pestilential or contagious disease, to establish a quarantine at some proper and convenient point beyond the limits of said city, and to erect or purchase a lazaretto and such public hospitals as may be necessary, and to make such rules, orders, and regulations as they may deem proper for the government and management of the lazaretto, and the vessels, cargoes, and persons there detained or under quarantine, and of the health office and public hospitals, and for May establish a quarantine.

the mode of visiting and examining vessels, persons, goods, and houses; they shall also have power to appoint such physicians, officers, and servants as may be necessary to attend the lazaretto and city hospital, and to provide communication and supplies to the same, and such other officers and servants as may be necessary for the preservation of the health of the said city, together with all temporary officers and servants that may be rendered necessary by the existence of any dangerous contagious disease.

Penalty for violation of rules, &c. SECTION 6. That any master, commander, or other person having charge of any vessel or steamboat violating any of the rules or regulations prescribed by the said board of health under the provisions of this act, shall upon conviction thereof by indictment or prosecution in any court having jurisdiction, pay a fine not exceeding five hundred dollars, to be recovered and paid into the treasury of said board of health.

Board of health, duties of.

SECTION 7. That whenever the board of health shall receive information that any malignant or contagious disease (measles excepted) prevails within any port or place within the United States, they shall make diligent inquiry concerning the same; and if it shall appear that the disease prevails as aforesaid, all communication with such infected port or places shall be subject to such control and regulations as the board of health may from time to time direct and publish in one or more newspapers published in the city of Pittsburgh; and thereupon every person or persons, and all goods, wares, and merchandize, bedding and clothing from such infected port or place, and having entered and been brought into the city of Pittsburgh contrary to such regulations, shall be subject to the same penalties as is provided for in the preceding section. And any person or persons having entered or been brought into the city of Pittsburgh from such infected port or place aforesaid, may be conveyed by any person authorized by said board to such place of purification as the board may appoint or direct for that purpose, and be there detained at the pleasure of the board any time not exceeding twenty days, at the expense of such person or persons.

Further powers.

SECTION 8. That it shall and may be lawful for the board of health when they shall have reason to believe from the report of any physician appointed by said board that any person within the city of Pittsburgh is afflicted with any contagious disease dangerous to the community, to take measures for preventing the spreading of the contagion by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses, or messengers, to convey the necessary advice, medicines, and provisions to the afflicted, and exercise all such other powers as the circumstances of the case shall require, and as shall in their judgment be most conducive to the public good with the least private injury.

Authorized to remove nuisances, &c.

SECTION 9. That it shall be the duty of the said board to have all objects which may have a tendency to endanger the health of the citizens to be removed or corrected as they shall deem necessary for the health of the citizens. And if the owner or owners or occupiers of any premises on which such nuisance shall be found, refuse or neglect on due notice to remove or correct the same, he, she, or they so refusing or neglecting shall forfeit and pay for every such offence any sum not less than twenty nor more than two hundred dollars, to be recovered and applied to the use of said board as provided by the sixth section of this act.

Regulations in case of death.

SECTION 10. That whenever any person shall die in the said city, the physician or surgeon who shall have attended such person during his or her last sickness, shall leave a note in writing with his name

with some one of the family in the house where such person shall have died, specifying the name, age, color, residence, whether married or single, employment, and the disease of which he or she shall have died; and every physician or surgeon refusing or neglecting to make and deliver such note shall forfeit the sum of five dollars, and that no sexton of any church or other person having charge of any cemetery, vault, or burial-ground within five miles of the court house of Allegheny county, shall permit any dead body from the said city to be interred therein until he has received such note in writing, so signed as aforesaid, or in case no physician or surgeon shall have attended such deceased person, or the physician or surgeon who did attend shall have neglected or refused to leave such note, then the family in which such person shall have died shall apply to a physician who shall be appointed by the board of health to make the necessary examination in such cases, and who shall give to the family a note as hereinbefore provided, the contents of which note in writing shall be entered by such sexton or other person on a blank schedule to be furnished by the clerk of the health office, or such other person as the board shall direct, and delivered together with the schedule on the Monday of every week to the health officer for publication in such form as may be directed by the said board of health; and every sexton or other person having charge of any place of interment as aforesaid, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of twenty-five dollars, the penalties provided for in this section to be applied to the uses of said board: *Provided*, That for the purpose of preserving uniformity in said returns the board may cause printed blanks to be prepared for the use of the physicians and surgeons in carrying out the provisions of this section.

SECTION 11. That the councils of the said city are hereby authorized Appropriations. to set aside such revenues or to make such appropriations of money as may be necessary to carry out fully the designs and objects of this act.

SECTION 12. That it shall be lawful for the judges of the Court of Quarter Sessions of Butler county to grant license to keep public houses Licenses in Butler county. of entertainment at the ensuing June term of said court: *Provided*, Application be made in the manner prescribed by existing laws.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 323.

AN ACT

To incorporate the Sheafferstown Academy, relative to suits on registered taxes in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* there shall be, and is hereby established in the town of Sheafferstown, in the county of Lebanon, an academy or public school for the education of youth in the English, Latin, and other languages, and in the useful arts, sciences, and literature, by the name, style, and title, of "The Sheafferstown Academy," under the care and direction of seven trustees, who and their successors in office shall be, and are hereby declared to be one body politic and corporate in deed and in law, by the name, style, and title, of "The Sheafferstown Academy," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and shall be capable in law and equity to take, hold, and purchase, for the use of said academy, lands, goods, chattels, moneys, of any kind whatsoever by gift, grant, conveyance, devise, or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey, mortgage, or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which may be lawful for them to do for the well-being of the academy and the due management and ordering of the affairs thereof.

Trustees. **SECTION 2.** That until trustees for said academy shall be elected in the manner herein provided, George. F. Miller, William M. Weighly, Thomas Benter, Samuel Fetler, Michael Ream, Allen J. Hibsham, and Michael Mace, shall serve as trustees of said academy, four of whom shall be a quorum to transact business.

Annual election of trustees. **SECTION 3.** That an election of trustees shall take place on the first Monday of January in each year, to be held in the principal buildings belonging to said corporation. Said election shall commence at three o'clock, P. M., and continue until five o'clock, P. M., which election shall be conducted by two managers appointed by the trustees then acting as such. No person shall be allowed to vote for trustees, unless he be a stockholder in the property and effects of said corporation to the amount of at least one share, and each shareholder shall be entitled to one vote for every share he may hold.

Powers. **SECTION 4.** That the board of trustees shall have power to fill vacancies, to appoint their president and secretary, each of whom shall be one of the trustees. They shall have power to choose a treasurer who shall be a stockholder, and enact such by-laws as may be necessary, not being inconsistent with the Constitution and laws of the United States or the Constitution and laws of this Commonwealth. Four of said trustees shall constitute a quorum, who may in the absence of the president appoint a president pro tempore. Said trustees shall be authorized to receive subscriptions in sums of any amount for the purpose of purchasing the real estate, books, philosophical apparatus, and other property necessary for the affairs of said corporation, and to give to such subscriber,

provided he subscribe to the amount of ten dollars, a certificate under the seal of said corporation, which certificate shall constitute the holder thereof a shareholder. Said trustees may, if they deem it expedient, lease and hire out the real and personal effects of said corporation to a competent teacher or teachers, and receive and collect rent and compensation for the use of such real and personal estate, and the same to divide rateably among the stockholders, after first deducting all necessary charges and expenses for repairs, taxes, and the due management of the affairs of said academy.

SECTION 5. That the trustees may sell a sufficient quantity of stock at the original cost (to wit, at ten dollars) per share to finish the building and pay the debts of the institution, and may also effect an insurance of the premises against fire, either temporary or perpetual, out of the funds of the institution. Sale of stock.

SECTION 6. That three of the stockholders shall be appointed trustees, to whom the title of the lands and building shall be made and held in trust for the use and benefit of the said corporation. Title to lands, &c., to vest in trustees.

SECTION 7. That no misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest, to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, will, or writing, whereby any estate or interest was intended to pass to or from the said corporation. Misnomer.

SECTION 8. That so much of any law or laws of this Commonwealth as require three months' notice to be given of publication in a daily newspaper of the county of Philadelphia before suit brought for the recovery of registered taxes in said county, be, and the same is hereby repealed; and that on and after the passage of this act, one week of such publication shall be deemed and taken to be sufficient notice. Registered taxes in Philadelphia county, relative to.

JOHN CESSNA,
Speaker of the House of Representatives.
BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one. WM. F. JOHNSTON.

No. 324.

AN ACT

Authorizing the laying out of a State road from a point on the public road leading up Mill creek, at or near John G. Miles' saw mill, in Huntingdon county, to intersect the public road leading from the mouth of Mill creek through Kishaquonillas valley to Brown's mills, in Mifflin county, incorporating the Sullivan and Bradford Plank Road Company, relative to the claim of Benjamin Bonsall, to an election district in Mifflin county, and to the collection of school tax in Beale township, Juniata county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Thomas Fisher and Hon. John Ker, of Huntingdon county, and William Wilson, of Mifflin county, be, and they are hereby appointed commissioners to view, lay out, and mark a State road, beginning at a point on the public road leading up Mill creek to Couch's mill, at or near John G. Miles' saw mill, in Huntingdon county, thence over Stone mountain to intersect the public road leading from the mouth of Mill creek through Kishaquiquillas valley to Brown's mills, at any point which the said commissioners, or a majority of them, may consider the most eligible between Roxberry, in Huntingdon county, and Allenville, in Mifflin county.

Location of road.

Duty of commissioners.

SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace or other competent authority to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same on as direct a route between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at the crossings at ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may effect the route, so that by a judicious combination of them, the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon in such a manner as to enable the supervisors readily to find the same. And for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned and named shall receive a per diem allowance of one dollar and fifty-cents each for every day they shall be necessarily employed in performing the duties enjoined by this act; and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per diem in addition; and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain carriers and one axeman at a per diem allowance to each not exceeding one dollar.

Draft.

SECTION 3. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads, and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of January next, and one copy in the office of the clerk of the Court of Quarter Sessions of each of the counties in which any part of the said road may be located according to the provisions of this act, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from the time of the depositing of the said draft in the office of the Secretary of the Commonwealth and in the office of the clerk of the Court of Quarter Sessions of each of the counties in which any part of the said road may be located, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the court aforesaid.

Accounts.

SECTION 4. That the accounts of the said commissioners for their own pay and for the pay of surveyors, chain carriers, and markers, shall be adjusted by the commissioners of the respective counties in which any part of said road may be located, according to the provisions of this

act, and paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length of the said road in such county respectively.

SECTION 5. That the said commissioners shall meet on or before the third Monday of June next, or as soon thereafter as practicable, at such place as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the Court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Meeting of commissioners.

SECTION 6. That the said commissioners shall have power, in case they shall think it most for the interest of the public and the accommodation of the people in the vicinity, to locate a branch of said road, diverging from the main route, at a suitable point on the summit of Stone mountain, and intersecting the road hereinbefore mentioned, leading through Kishaquoquillas valley from the mouth of Mill creek to Brown's mills, at a point further west than the point of intersection of the main route with the public road aforesaid leading through Kishaquoquillas valley.

Powers.

SECTION 7. That Michael Meylers, William Elwell, John C. Wilson, Josiah Jackson, Lewis Zanor, William Colley, Rollin Wilcox, Gordon F. Mason, C. L. Ward, John Richter Jones, John F. Cowan, A. J. Deitrick, and Gershom Biddle, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Sullivan and Bradford Plank Road Company," with power to construct a plank road from the terminus of the Muncy Creek plank road, near the forks of Muncy Creek in Sullivan county, through the town of Laport to a point on the North Branch of the Susquehenna at Towanda or Wyalusing, or elsewhere, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto, excepting such portion of the thirteenth section of said act as discriminates in favor of wheels of the width of four inches and upwards; and said company shall have power to regulate their tolls within the limits prescribed by said section without reference to the width of wheels in any case.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 8. That the capital stock of said company shall consist of two thousand shares of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may in their opinion be necessary to carry out the true intent and meaning of this act.

Capital stock.

SECTION 9. That the said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road.

Toll.

SECTION 10. That if the said company shall not commence the construction of said road in three years, and complete the same within seven years from the passage of this act, then so much of the act as relates to the Sullivan and Bradford Plank Road Company shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

Commencement and completion of road.

SECTION 11. That if the said company shall deem it expedient and necessary to occupy *and the bed of and public roads* now opened, they shall pay proper compensation in damages to the respective townships by which the expense of opening such roads was incurred, having

Damages.

respect to and taking into account the advantages to the people of such townships of said plank road, which damages shall be assessed in the same manner as other road damages.

Provisions of
this act ex-
tended to the
Muncy Creek
Plank Road
Company.

SECTION 12. That provisions of the preceding section of this act shall be extended to the Muncy Creek Plank Road Company, incorporated by the act of April eleventh, one thousand eight hundred and fifty.

Benjamin Bon-
sall, for relief
of.

SECTION 13. That the State Treasurer be, and he hereby is authorized and required to credit Benjamin Bonsall, late treasurer of Juniata county, with the sum of two hundred and twenty-five dollars, that being the amount received by the said Bonsall in notes on the Lewistown bank, which said notes were at par and which notes are now in the hands of the State Treasurer.

Granville town-
ship, Mifflin
county, relative
to elections in.

SECTION 14. That the qualified voters of all that part of Granville township, in Mifflin county, situate on the south side of the Juniata river, shall be constituted a separate election district, and shall hold their general elections at the house now occupied by James Allison, and that Samuel Comfort and Samuel M'Coy shall be inspectors, and John Brought shall be judge, of the first ensuing election.

Constable of
Beale township,
Juniata county,
powers of.

SECTION 15. That the constable of Beale township, in the county of Juniata, shall have the same power and authority which is granted to him by act of Assembly passed the seventh day of April, one thousand eight hundred and forty-nine, to collect the schedule of school tax for the last year delivered to him by the treasurer of the board of school directors, as fully and effectually as if there had been no informality in the issuing of said schedule.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 325.

AN ACT

To incorporate the New Brighton and Harmony Plank Road Company, relative to the Hillsboro and Pittsburg State road and to the borough of Strattonville, to granting licenses to theatres, circuses, and menageries, to a State road in Monroe and Pike counties, and to the Girard Avenue Schuylkill Bridge Company.

SECTION 2. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Edward Hoops, Benjamin Wilde, Benjamin R. Bradford, Robert Town-

send, John Pugh, Mathew Gilliland, Charles Lukens, John Miner, Benjamin Beddeson, Joseph M'Connell, James Ferguson, Samuel M'Cleary, B. B. Chamberlin, Francis Hoops, Charles E. Clarke, J. W. Wilson, and H. Mendenhall, of the county of Beaver, and James G. Campbell, Andrew Zeigler, John Levis, Loring Lusk, Jacob Zeigler, P. L. Passavant, John Breden, George Beam, Isaac Schontz, George Howell, Alfred Pearce, and John Herr, of the county of Butler, or any nine of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The New Brighton and Harmony Plank Road Company," Style. with power to construct a plank road from New Brighton, in the county of Beaver, to Harmony, in the county of Butler, by the nearest and Location. best route, subject to all the provisions and restrictions of "An Act Subject to provisions of certain act. regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of said act relating to tolls which discriminates in favor of wheels of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section without reference to the width of wheels in any case.

SECTION 2. The capital stock of said company shall consist of one thousand and two hundred shares, at twenty-five dollars per share: Capital stock. *Provided*, That said company may from time to time by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

SECTION 4. That John Park and Daniel Darragh, of Washington county, and John Reed, of Allegheny county, be, and are hereby appointed commissioners to view and re-locate that part of the State road leading from Hillsboro, in Washington county, to the city of Pittsburg, lying between Bower Hill, in Washington county, and some point at or near the blacksmith shop of John Gilleland, in Allegheny county. Commissioners.

SECTION 5. It shall be the duty of said commissioners, or a majority of them, appointed to view as aforesaid, after having been duly sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the departure from a horizontal line shall in no points exceed five degrees, except at crossing of ravines and streams, whereby moderate filling and bridging the declination of the road may be preserved within that limit. Duties of commissioners.

SECTION 6. That said commissioners shall have authority by this act to vacate so much of any road or roads as may be supplied by the new road, if it should appear expedient so to do. And in case where the road hereby authorized to be laid out shall come near any public road, said commissioners may lay out and form a connection where it may be advantageous to the public interest. Authorized to vacate roads.

SECTION 7. That it shall be the duty of said commissioners to have due regard to crossing of waters, nature of the ground, and damages to private property, and all other circumstances that may affect the route,

so that by a judicious combination of them the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon in such a manner as to enable the supervisors readily to find the same. And for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties required by this act. And in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition. And the said commissioners are hereby authorized to employ two chain-carriers and one axeman at a per diem allowance not exceeding one dollar each.

Pay of commis-
sioners.

Draft.

SECTION 8. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances, the improvements passed through, and also the crossing of township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of January, one thousand eight hundred and fifty-two, and one copy in the office of the clerk of the Quarter Sessions of the counties through which said road may pass on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened the width of forty feet, and repaired in all respects as roads are opened and repaired, laid out by order of courts, and damages sustained by the owners of private property assessed and paid in the same manner.

Accounts.

SECTION 9. That the accounts of the said commissioners for their own pay and for the pay of the chain-carriers and markers shall be adjusted by the commissioners of the respective counties through which said road shall pass, and be paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length the said road may be in each county respectively.

Meeting of com-
missioners.

SECTION 10. That the said commissioners shall meet on or before the first Monday of September next, or as soon thereafter as practicable, at Brower Hill village, Washington county, and complete the location of said road between the points mentioned; and if any vacancy or vacancies shall happen by resignation or any other cause, the Court of Quarter Sessions of the county where the vacancy occurs shall appoint a suitable person or persons to fill such vacancy.

Boundaries of
the borough of
Strattonville.

SECTION 11. That the extent and boundaries of the borough of Strattonville, in the county of Clarion, shall be as follows, viz.: Beginning at a post on lands of James W. Guthrie, from thence west three hundred and twenty perches to a post on lands of Owen's; thence south one hundred and fifty perches to a post on lands of Mrs. Ferguson; thence east three hundred and twenty perches to a post on lands of Joseph S. Stratton, at the line adjoining lands of Hugh Maguire; thence north one hundred and fifty perches to the place of beginning. And the election of borough officers held on the twenty-first day of February, eighteen hundred and fifty-one, for said borough, is hereby legalized as fully and effectually, to all intents and purposes, as if the said boundaries had been previously fixed and determined.

Theatres, cir-
cuses, menager-
ies, &c., regu-
lating license of.

SECTION 12. That any person, the proprietor or manager of a theatre, circus, or menagerie, desiring a license for the exhibition of dramatic, equestrian, or other performances for the whole State for one year, shall be entitled to receive the same upon the payment of the sum of one thousand dollars; such license to be granted according to the

provisions of second section of the act of sixteenth April, eighteen hundred and forty-five. And the provisions of the section of the act of the fifteenth May, eighteen hundred and fifty, shall not be construed as applying to any person so paying for and receiving a license for the whole State.

SECTION 13. That Jeffry Wells and John T. Cross, of Pike county, Commissioners. and Jeremy Mackey, of Monroe county, be, and they are hereby appointed commissioners to view and lay out a road from the public road at or near Miller and Makey's tavern, in Monroe county, by way of the out-let of the fifteen mile pond, to Dingman's choice turnpike near the house of Stephen Drake, in Pike county.

SECTION 14. That it shall be the duty of the said board of commis- Duties. sioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point as the nature of the ground will permit, so that the verticle departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams when by moderate filling or bridging the declination of the said road it may be preserved within that limit.

SECTION 15. That it shall be the duty of the said commissioners Mark the ground on the route, &c. plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same. And for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain carriers and one axeman at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

SECTION 16. That it shall be the duty of the said commissioners to Draft. make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements passed through, and also the crossings of township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof to be deposited in the office of the Secretary of the Commonwealth on or before the first day of March, Anno Domini, one thousand eight hundred and fifty-two, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out on the day aforesaid, or as much sooner as practicable; and said road shall be, to all intents and purposes, *be* a public highway, and shall be opened to the breadth of thirty-three feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 17. That the accounts of said commissioners for their own Accounts. pay and the pay of the surveyor, chain-carriers, and axeman, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road, and they be paid out of the treasury of each of the respective counties on warrants drawn in the usual way.

SECTION 18. That the said commissioners shall meet on or before Meeting of com- the first day of September next, or as soon thereafter as practicable; missioners. and if any vacancy or vacancies occur, the remaining commissioners

shall fill such vacancy or vacancies by the appointment of suitable persons who shall perform said duties.

Girard Avenue
Schuylkill
Bridge Com-
pany, name
changed.

SECTION 19. That the style and title of the corporation heretofore known and called "The President and Managers and Company of the Girard Avenue Schuylkill Bridge Company," shall be, and the same is hereby changed to "The Girard Avenue Bridge Company."

Meeting of
stockholders.

SECTION 20. That after the passage of this act, it shall be the duty of the president of the said company to call a meeting of the stockholders, at such time and place as the board of managers may appoint, for the purpose of electing five additional managers, and for the transaction of such other business as may be brought before them, of which meeting notice shall be given by advertisements twice a-week for two weeks in two newspapers published in the city of Philadelphia. And the said managers shall be voted for and chosen at such meeting in the same way and manner as the present officers were chosen, and shall along with them serve until their successors are lawfully chosen, as provided in the act to which this is a supplement. And the board of managers shall hereafter consist of one president, one treasurer, and eleven managers, who shall have the management and direction of the said company as provided in the act to which this is a supplement. And if at any time a vacancy shall occur in the said board, it shall be the duty of the said board to elect a person to fill such vacancy, who shall serve for the unexpired term of the person to fill whose place he may have been chosen.

Votes.

SECTION 21. That no person shall be entitled to vote at any election for officers of said company who has not paid up all the instalments called for by the board of managers, and then due on the shares of stock by him or her subscribed or held; and the books of the said company for the transfer of the capital stock thereof shall be closed for twenty days prior to the annual meetings of the stockholders.

Power to enter
upon lands, &c.

SECTION 22. That the said company, their agents, officers, and workmen, shall and may have the right and privilege of entering upon and examining the lands on both sides of the Schuylkill, at or near the foot of Girard avenue and opposite thereto, for the purpose of ascertaining and deciding upon the most suitable site for the bridge proposed to be constructed by the said company; and shall have the right, power, and privilege which are hereby granted to them, of taking, using, and occupying so much of the land on both sides of the said river and in the bed thereof, at or near the foot of Girard avenue and opposite thereto, as may be necessary for the due construction of the piers, wings, abutments, and structure of the said bridge, and the access and entrance thereto from the nearest public street or highway. And for the damage, if any, thereby done to the owners of the land used, taken, or occupied as aforesaid, the said company shall make compensation to such owners; and if the amount of such compensation cannot be adjusted and ascertained by the parties, then six disinterested men to be mutually chosen by the parties or to be appointed by the Court of Common Pleas of Philadelphia county, if they cannot agree, shall view the premises and assess and estimate such damage to be sustained by all the parties claiming the same, and make report thereof to the said court in writing, to be filed of record therein, which report if not appealed from within twenty days after the filing thereof, shall be binding and conclusive upon all the parties interested, who shall not appeal. And if any parties shall conceive themselves aggrieved by said report or award, they shall on the payment of all costs accrued up to the time of taking such appeal, be entitled to an appeal and a trial in the said court by a jury who shall view the premises to ascertain the said damages; and in estimating

Damages.

the said damages, the appraisers or jury, as the case may be, shall take into consideration the advantages, if any, to be derived by any such owners from the erection of such bridge.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 326.

AN ACT

Erecting certain school districts in the counties of Westmoreland and Schuylkill, to incorporate the Meyer's Mills Plank Road Company, and for the relief of William Keller, of Bedford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Donegal township, in the county of Westmoreland, known as Barclay's and Mathew's sub-school district, lying within the following bounds, to wit: Beginning at Jacob Hess' at the county line, thence along county line road to Robert Furgason, thence to John M'Lean's on Laurel Hill, thence to Adam Snider's, thence to John Ackerman's, thence to Frederick Ullery's, thence to Cramfort, thence to Richard Ross', thence to Jones' on Walnut Hill, and thence to the place of beginning, including all aforesaid persons, be, and the same is hereby erected into a separate and independent school district, to be called "Jones' Mill District."

Jones' Mill
school district,
Westmoreland
county, erected.

SECTION 2. That the same be entitled to all the rights and privileges, Privileges. and subject to all the restrictions contained in the school laws of this Commonwealth.

SECTION 3. That the qualified voters of said district so erected be entitled to elect six persons to act as school directors of said district on Election of school directors. the second Tuesday in April, one thousand eight hundred and fifty-two, and every year thereafter, and that Jacob Barclay, John Ackerman, John Snider, Robert Singer, Samuel Jones, and John Fluck, be, and they are hereby appointed school directors of said district to serve until the first election for school directors in April, one thousand eight hundred and fifty-two, with all the powers and authority of school directors in said county.

SECTION 4. That the first election and all elections hereafter for Place of holding school directors shall be held in the school house in said district, and elections. that Jacob Barclay shall act as judge of said election.

Stephens' school district, Schuylkill county, erected. SECTION 5. That all that part of West Brunswick township, in the county of Schuylkill, lying within the following boundaries, to wit: Beginning on the Blue Mountain at the corner of East Brunswick township, thence along said township line to a corner of "Centre School District," thence along said district to a point opposite the house of Jacob K. Moyer, thence to said house, the same included, thence to the farm of John Walborn, the same included, thence to the tenant house of the Rev. P. Moyer farm, now occupied by Charles Hammers, the same included, thence to the farm of William Matz, the same included, thence to the farm of Michael Moll, the same included, thence along public road leading from Morborger's tavern on the Centre turnpike to the Cattawissa road, thence along said Cattawissa road to farm of Samuel Miller, the same included, thence along line between lands of Samuel Miller and George Masser, and Samuel B. and John Medler and George Mosser, to the east side of Little Schuylkill river, thence up said river to the farm of George Baer, the same included, thence along the line between Medlar and Stevens and John Schall, to land of Peter Dreher and Jacob Miller, thence along line of land of John Schall to the Berks county line on the Blue Mountain, thence along said county line to the place of beginning, be, and the same is hereby erected into a separate school district, to be called "Stephen's District."

Moneys disbursed or debts contracted validated.

SECTION 6. That all moneys disbursed or debts contracted in erecting a school house within the proposed Stephen's school district by the school directors thereof who were elected without authority in eighteen hundred and fifty, are declared valid, and the same shall be accounted for and paid by the directors who may hereafter be elected.

Commissioners.

SECTION 7. That Peter Meyers, Gillian C. Lint, Conrad M. Hicks, George Klingman, junior, Samuel Haller, Elias Beighly, John Fichtner, Samuel Griffith, John Wilt, Daniel Beighly, and Jacob Lint, of Somerset county, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Meyers' Mills Plank Road Company," with power to construct a plank road from Meyers' Mills, in Somerset county, to such suitable point of intersection with the Wellersburg and West Newton plank road in said county as the said commissioners may select, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

SECTION 8. That the capital stock of said company shall consist of four hundred shares of twenty-five dollars each.

Commencement and completion of road.

SECTION 9. That if said company shall not commence the construction of said road within two years, and complete the same within five years thereafter, the sections of this act incorporating said company shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Auditor General authorized to re-examine account of Wm. Keller, late brigade inspector.

SECTION 10. That the Auditor General be, and he is hereby authorized and directed to open and re-examine the account of William Keller, late Brigade Inspector of the first brigade, twelfth division, Pennsylvania militia, and to make such corrections as he would have been authorized to make had said account been settled within the time prescribed by law, and to allow such credits as the equity and justice of the case may require.

Elections for school directors in Mars Hill, Westmoreland county, regulated.

SECTION 11. That at the next election and at all elections hereafter held for school directors of Mars Hill school district, Sewickley township, Westmoreland county, the president of the board of directors shall act as judge, assisted by two citizens to be by him appointed, who shall open and hold said election.

SECTION 12 That at the next election, and at all election held here-
after for several districts of Youghieny school district, Sewickley school district,
township, Westmoreland county, the president of the board shall act as Westmoreland
judge, assisted by two citizens to be by him appointed, who shall open county, relative
and hold said election. to.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight
hundred and fifty-one.

WM. F. JOHNSTON.

No. 327.

AN ACT

To incorporate the Bloody Run, Clearville, and Maryland Line Turnpike Road
Company, relative to certain elections and election districts in Bedford, Cam-
bria, Fulton, and Bucks counties, and in relation to a deed and to certain
turnpike stock in Bedford county.

SECTION 1. *Be it enacted by the Senate and House of Representa-
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same,* That
Daniel Fletcher, Lewis Koons, George Von Stein, John Shreeve, Mat-
thew Murray, Himas O'Neal, Barnabas Steckman, William States, and
George Blankley, of Bedford county, or any five of them, be, and they
are hereby appointed commissioners to open books, receive subscrip-
tions, and organize a company by the name, style, and title of "The
Bloody Run, Clearville, and Maryland Line Turnpike Road Company,"
to locate and construct a turnpike road from the Chambersburg and
Bedford turnpike road at or near the village of Bloody Run, in Bed-
ford county, by way of or near to Clearville in said county, and by
way of or near to Werefordsburg, in Fulton county, to the Maryland
State line, in said county, subject to all the provisions and restrictions
of "An Act regulating turnpike and plank road companies," approved
the twenty-sixth day of January, one thousand eight hundred and
forty-nine, and the several supplements thereto, so far as the same are
not inconsistent with this and the following sections.

Commissioners.
Style.
Subject to pro-
visions of cer-
tain act.

SECTION 2. That the capital stock of the said company shall consist
of two thousand five hundred shares, of twenty dollars per share: *Pro-
vided,* The said company may from time to time, at a meeting of the
stockholders called for the purpose, increase their capital stock to such
an amount as in their opinion may be required to complete the road
according to the true intent and meaning of this act: *And provided
also,* The said company may at their option construct a plank road on
any part or parts of the same in lieu of a turnpike, as a majority of

Capital stock.

the stockholders in amount may determine at a meeting to be called for that purpose, and notice thereof to be first given.

Commence-
ment and com-
pletion of road.

SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this act, and complete the same within seven years thereafter, the preceding sections of this act shall become null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Broad Top
township, Bed-
ford county,
elections in.

SECTION 4. That the qualified voters of the township of Broad Top, in the county of Bedford, shall hereafter hold their general, special, and township elections at the house of William T. Griffith, in said township.

Bethel town-
ship, Fulton
county.

SECTION 5. That the qualified voters of Bethel township, in the county of Fulton, shall hereafter hold their general, special, and township elections at the school house in the village of Werfordsburg, in said township.

Summitville
borough, Cam-
bria county,
election of bor-
ough officers in.

SECTION 6. That the election of borough officers in the borough of Summitville, in the county of Cambria, held on the third Friday of March, eighteen hundred and fifty-one, be, and the same is hereby made and declared to be valid; and the officers elected at that time shall have and enjoy such powers and privileges, and be subject to such liabilities and restrictions, as they would have been had they been elected at the time prescribed by law.

Liberty town-
ship, Bedford
county.

SECTION 7. That the qualified voters of the township of Liberty, in the county of Bedford, shall hereafter hold their general, special, and township elections at the school house in the village of Stonerstown, in said township.

St. Clair town-
ship, Bedford
county.

SECTION 8. That the qualified voters of the township of St. Clair, in the county of Bedford, shall hold their general, special, and township elections at the store house near the dwelling of Gideon D. Trout, in said township.

Certain deed
made by David
F. Buck vali-
dated.

SECTION 9. That the deed made by David F. Buck, committee of the person and estate of Jacob Longenecker, a lunatic, to David Robeson, in pursuance of an order of the Court of Common Pleas of Bedford county, for the one undivided half part of a tract of land situate in Middle Woodbury township, Bedford county, be, and the same is hereby made and declared to be valid, and to vest in said David Robeson, his heirs and assigns, the entire title of the said Jacob Longenecker of, in, and to said real estate, notwithstanding the alleged lunacy of the said Longenecker at the time when the contract for the said real estate was made, the specific performance of which was decreed by the court aforesaid.

Auditor General
authorized to
assign two
shares of stock
to the Bedford
and Stoystown
Turnpike Road
Company.

SECTION 10. That the Auditor General be, and he is hereby directed to assign to the Bedford and Stoystown Turnpike Road Company the two shares of stock in said company held and owned by the Commonwealth, and not sold by him in pursuance of the act of twenty-sixth April, one thousand eight hundred and fifty, upon payment by said company for each share of a sum equal to the highest price given for any one share at the sale authorized by said act.

Said company
directed to pay
certain divi-
dends.

SECTION 11. That the said Bedford and Stoystown Turnpike Road Company be, and it is hereby directed to pay to the purchaser or purchasers, at the sale mentioned in the foregoing section, any dividend that may be now due, or may hereafter become due upon the shares of stock at that time sold.

SECTION 12. That the place of holding the general and township elections in the township of Tinicum, in the county of Bucks, be changed from the house now occupied by Michael Frankenfield to that of Jacob Weaver. Tinicum township, Bucks county, place of holding elections in.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 328.

AN ACT

To incorporate the Oaklands Cemetery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Dr. William Darlington, Thomas S. Bell, William Everhart, Joseph J. Lewis, Dr. Wilmer Worthington, David Townsend, William Williamson, Dr. Isaac Thomas, Dr. E. F. Ravinus, P. Frazer Smith, Joseph Hemphill, William Darlington, John Marshall, R. M. Poizat, Washington Townsend, David Meconkey, William Apple, James Park, John S. Bowen, Henry S. Evans, James Atwood, J. Lacy Darlington, and all such other persons as shall on or before the first day of July next, after the passage of this act, contribute any sum not less than fifty dollars each, for the purpose of constituting a capital sum to be appropriated to the purchase and ornamenting of ground suitable for a cemetery in or near the neighborhood of the borough of West Chester, in the county of Chester, and State of Pennsylvania, and their successors, be, and they are hereby created and declared a body corporate by the name, style, and title, of "The Oaklands Cemetery," and by that name shall have perpetual succession, shall be capable in law to purchase, hold, possess, use, enjoy, and sell and dispose of estate and property, real and personal, to have a common seal, to plead and be impleaded, to make by-laws, rules, and regulations for the government of the corporation, and to do all such other things as are incident to a corporation, and until the election of managers shall exercise all the powers thereof. Corporators.
Style.
Privileges.

SECTION 2. That the affairs of said corporation shall be conducted by five managers, who shall be elected annually by a majority of the votes of the members of the corporation, and who shall themselves be members of the same. They shall elect from amongst their number a president to serve for one year, and shall have power to appoint all necessary officers, and fix their several duties and compensations. The Managers.

first election of managers shall be had at such time and place as the corporators named in the first section of this act shall appoint.

Purchase lot of ground, &c.

SECTION 3. That the said corporators shall have power to purchase a suitable lot of ground within the county of Chester, not exceeding one hundred acres, for a cemetery, and the same to lay out and ornament, and divide and arrange into suitable plats and burial lots, to erect suitable buildings, and do all other things necessary or proper to be done to make the said ground suitable for a cemetery, and to sell and dispose of such plats and burial lots for the purposes of sepulture to individuals, societies, or congregations, under such conditions, rules, and regulations as the said corporators or managers may establish.

Trespasses, punishment for.

SECTION 4. That all trespasses upon the property of the corporation or of the owners of lots within the limits of the cemetery, and all injury done to any of the buildings, fences, trees, monuments, avenues, walks, or devices of or belonging to the corporation or to the owners of lots, shall be deemed and considered as acts of malicious mischief, and punished accordingly by any court having jurisdiction of criminal offences.

Roads through cemetery prohibited.

SECTION 5. That no road, street, land, or passage-way whatever, shall be opened through said cemetery without the consent of the said corporation under their common seal.

Lots to be used for sepulture alone.

SECTION 6. That none of the said lots so purchased shall be used for any other purpose than that of sepulture, and they shall be free from seizure, levy, or sale under or by virtue of any execution process in the nature of an attachment or of attachments against any such grantee or grantees, and no grantee shall be at liberty to transfer his or her lot to any person whatever without consent of the managers first had in writing, and the said cemetery shall be forever exempted from taxation except for State purposes.

Votes.

SECTION 7. That as soon as the money received from the sale of lots in said cemetery shall be sufficient to pay the purchase money expended by the persons hereby incorporated with interest, and the expenses that shall have been incurred by them in laying out, enclosing, and improving the grounds, and erecting the necessary buildings, then each lot-holder shall become a member of the corporation and have a right to vote for the officers thereof; and at all elections held thereafter under this act each member of the corporation shall be entitled to one vote and no more.

Election of managers.

SECTION 8. That the corporators or managers for the time being shall give at least twenty days' notice of the time of holding elections for managers by publishing the same in one or more of the newspapers of said county. If it shall happen that no election shall be held on the day prescribed, it shall be lawful on any other day after similar notice to hold an election in such manner as the by-laws of the corporation shall ordain. Vacancies occurring by death, resignation, inability to act, removal from the county, or otherwise, shall be supplied by the board of managers.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 329.

AN ACT

To incorporate the Columbus Male and Female Academy, relative to interments in the borough of West Chester, to certain election districts, to furnish the Monroe artillery with a field piece, to holding elections in the borough of Bridesburg, to the district of West Philadelphia, to pay an annuity to certain old soldiers, to the title of certain real estate belonging to Jacob E. Clayton, to a township in Jefferson county, to the borough of Middletown, Dauphin county, to a school district in Schuylkill county, and to the claim of H. P. Cadwallader.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and is hereby established in the village of Columbus, in the county of Luzerne, an academy or public school for the education of youth in the English or other languages, and in the useful arts, sciences, and literature, by the name, style, and title, of "The Columbus Male and Female Academy," the said academy to be under the direction, management, and government of a board of trustees, not exceeding seven in number, a majority of whom shall form a quorum for the transaction of business. And the said trustees and their successors shall be, and they are hereby erected, established, and declared to be a body politic and corporate, with perpetual succession, with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style, and title, of "The Columbus Male and Female Academy, by which name and title the said trustees and their successors shall be able in law and equity to take to themselves and their successors for the use of the said academy, any estate, messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, moneys, and estates, real or personal, to grant, bargain, sell, convey, assure, demise, and to form, let, or otherwise dispose of or invest in such manner as to them or a quorum of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income, and interest of the same for the use of the said academy, and by the same name to sue, prosecute, and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and to transact all and every business touching, as fully and effectually as any natural person has power to manage his own concerns. Style.

SECTION 2. That the said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and therewith seal all deeds, certificates, and acts of said corporation shall be authenticated, and the same seal the said trustees may at their pleasure break and alter, and also if they think proper devise a new one. Privileges.

SECTION 3. That George Mack, John Hoons, Fletcher Bowman, Silas Dodson, Elisha Hayman, J. S. Woods, D. L. Chapin, are appointed Trustees. Seal.

Powers.

pointed trustees of said corporation, who shall have power to fill all vacancies which shall occur in their body; and on the last Saturday in the month of December, one thousand eight hundred and fifty-one, at which time and on the same day of each year annually thereafter the stockholders of said academy shall elect by ballot by a majority of the votes present, to be given in person or by proxy duly authorized, seven trustees instead of those above named, who shall continue in office for one year or until others are duly chosen and qualified. The said board of trustees shall always and at all times have power to fill vacancies in their body as above mentioned, and no person shall be permitted to serve as trustee who is not a shareholder in said institution. And the said trustees shall on their first meeting and at their first meeting after every subsequent election, choose out of their number one person to act as president, one person to act as secretary, and one treasurer, who shall serve as such during said year, and until others are appointed by said trustees: *Provided*, That no person shall have more than five votes at any election, whatever number of shares he or she may be entitled to, and that each stockholder shall be entitled to one vote for each share of stock by him or her held under said number: *And provided*, That such election may be held at the place and conducted according to the rules that may be prescribed by the by-laws and ordinances of said academy.

Form of subscription.

SECTION 4. That the said trustees herein named are hereby authorized to open books on or before the first Saturday of May next, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the Columbus Male and Female Academy the sum of ten dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such time or times as shall be required by said trustees, the whole of said stock by each of us subscribed to be paid within one year from the time of subscribing the same; and shall thereupon proceed to receive subscriptions for the stock of the said corporation not exceeding in the whole the sum of five thousand dollars, divided into shares of ten dollars each, at such times and places as they may deem advisable; and it shall be lawful for any person or body politic or corporate to subscribe for as many shares as he, she, or they may think proper, he, she, or they paying at the time of subscription to the attending trustees one dollar for every share of stock so subscribed.

Certificates of stock.

SECTION 5. That the said trustees shall procure written or printed certificates, and deliver to each stockholder a certificate signed by the president of the board of trustees, countersigned by the secretary, and sealed with the seal of the said corporation, for the share or shares of stock by him, her, or them held or subscribed, upon the payment to the treasurer of the full sum due thereon; and such certificate of stock shall be transferable at pleasure in person or by attorney in the presence of the president or treasurer of said corporation; and the assignee holding any certificate, first having caused the assignment to be entered on the book to kept for that purpose by the said trustees, shall be deemed a member of the said corporation, and entitled to all the rights and privileges of an original subscriber to said stock.

Transferable.**Erection of building.**

SECTION 6. That as soon as in the opinion of said board of trustees a sufficient amount of stock is subscribed, the trustees herein named, or their successors, shall erect or cause to be erected in a substantial and workmanlike manner such building or buildings of brick, stone, or other materials as they may deem necessary and proper to be located by them in some suitable and convenient place in the village of Columbus, in the county of Luzerne aforesaid.

SECTION 7. That the said trustees shall have power to enact such or- By-laws.
dinances and by-laws not inconsistent with the laws and Constitution of
the United States or of this Commonwealth, as may be necessary and
proper for the government of the said academy.

SECTION 8. A majority of the board of trustees shall form a quorum, Quorum.
who, in the absence of the president, appoint a president pro tempore.

SECTION 9. Said trustees shall be authorized to receive subscriptions
in sums of any amount for the purpose of purchasing real estate, books,
philosophical apparatus, or other property necessary for the affairs of the
said corporation, and to give such subscribers, provided the subscription
amounts to ten dollars, a certificate under the seal of said corporation,
which certificate shall constitute the holder thereof a shareholder; and Shareholders.
the said trustees may, if they deem it expedient, after having collected
and received the rents and compensation for the real and personal estate
belonging to said corporation, to divide rateably among the shareholders,
after having first deducted all necessary charges and expenses for re-
pairs, taxes, and the due management of said academy.

SECTION 10. No misnomer of said corporation shall defeat or annul Misnomer.
any gift, grant, devise, or bequest to the said corporation: *Provided*,
The intent of the parties shall sufficiently appear in said gift, grant,
will, or other writing, whereby any estate or interest in anything real or
personal, was intended to pass to the said incorporation.

SECTION 11. That the burgesses and assistant burgesses of the bor- Borough of
ough of West Chester shall have power, by their ordinance for that pur- West Philadel-
pose, to prohibit any future interments of the bodies of deceased persons phia, regulating
within such parts of the said borough wherein they shall judge such interments in.
prohibition necessary.

SECTION 12. That in case of the infraction of any ordinance passed
by the said burgesses and assistant burgesses by virtue of this act, the
chief or second burgess shall have power to issue his warrant to arrest the
offender or offenders, or shall direct such arrest without warrant, and
upon conviction of the offender or offenders, he shall impose upon each
offender a fine not exceeding twenty dollars; and upon the non-payment
of such fine, imprison the said offender or offenders in the prison of the
county of Chester for any period not exceeding thirty days. Or the said
chief or second burgess may in their discretion in place of said fine im-
prison the said offender or offenders in the said prison of the county of
Chester for any period not exceeding thirty days.

SECTION 13. That all laws inconsistent herewith are hereby re- Repeal.
pealed.

SECTION 14. That the qualified voters of the township of York, in York township,
the county of York, shall hereafter hold their general and township York county,
elections at the house of Henry Miller, in said township. place of holding
elections in.

SECTION 15. That the Adjutant General is hereby authorized and
directed to furnish out of any unappropriated field pieces, a brass field
piece of the calibre of six pounds, with the necessary fixtures, upon the
requisition of the proper brigade inspector, to the company styled "The
Monroe Artillery," the same being in the county of Monroe, under
such regulations and restrictions as are now provided by law. piece, &c.

SECTION 16. That the qualified voters of the borough of Bridesburg, Borough of
in the county of Philadelphia, shall hereafter hold their general, special, Bridesburg,
and borough elections at the house now occupied by Jesse Flitteraff, in place of holding
said borough, and that the board of commissioners of said borough shall elections in.
hereafter hold their annual meeting of said board on the first Monday
in April, between the hours of twelve and four o'clock P. M. of said
day, for the purpose of organizing said board as is now provided by law.

Commissioners of West Philadelphia authorized to borrow money.

SECTION 17. That the commissioners of the district of West Philadelphia are hereby authorized and empowered to borrow on the credit of the said corporation any sum or sums of money, not exceeding twenty thousand dollars, as they may require for the use of the said district, and pledge the faith of said district for the same; that certificates be issued in the name of such person or persons, body or bodies corporate, in such sum or sums as they or any of them may loan, bearing an interest not over six per centum per annum, which certificates shall be signed by the president and attested by the treasurer of said district: *Provided*, That no certificate shall be issued for a less amount than fifty dollars.

Said commissioners authorized to subscribe stock to the West Philadelphia Hall Association.

SECTION 18. That the commissioners of the district of West Philadelphia are hereby authorized to subscribe for any number of shares of the stock of the West Philadelphia Hall Association, not exceeding two hundred.

Unity township, Westmoreland county.

SECTION 19. That that part of Unity township, in the county of Westmoreland, that now holds their general elections at the house of Joseph F. Kuhn, shall hereafter elect at the house of Henry S. Kentig, in said township.

George Coock and Charles Boyles, soldiers, for relief of.

SECTION 20. That the State Treasurer is hereby authorized and required to pay to George Coock, of Armstrong county, and Charles Boyles, of Crawford county, Revolutionary soldiers of the Indian wars, or to their order, an annuity of forty dollars during their natural lives, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty-one.

Title of Jacob E. Clayton to certain real estate confirmed.

SECTION 21. That the title of Jacob E. Clayton in and to a certain piece or parcel of land situate in Byberry township, Philadelphia county, containing fifty-five acres and a quarter, more or less, conveyed by Josiah Walton and Israel Walton, guardians and attorneys in fact for the children of Jesse Walton, late of Byberry township aforesaid, deceased, to Benjamin Brown by indenture, dated the thirteenth day of the fifth month, one thousand eight hundred and twenty-six, recorded in the office for recording of deeds for the city and county of Philadelphia, in deed book A M, number eight, page twenty-four, &c., and by him conveyed to John Rich, who conveyed the same to Jacob Wilson and Osten Wilson, and who conveyed the same to the said Jacob E. Clayton, who is now in possession of the same, be, and the same is hereby confirmed, and made good and valid unto the said Jacob E. Clayton, his heirs and assigns forever, as fully and effectually as if the said Israel Walton, guardians and attorneys aforesaid, had properly and legally executed the deed to the said Benjamin Brown, by which deed it was the intention to convey all the right, title, interest, property, claim, or demand of the said children of the said Jesse Walton, deceased, in and to the said piece or parcel of land unto the said Benjamin Brown, in fee simple.

Beaver township, Jefferson county, relative to.

SECTION 22. That the eighth section of a supplement to an act entitled "An Act to incorporate the village of Petersburg, in the county of Perry, into a borough, passed the twelfth day of March, one thousand eight hundred and forty-four, extending the eastern line of Beaver township, Jefferson county, and to extend the limits of the borough of Kittanning," approved the second day of April, one thousand eight hundred and fifty, be, and the same is hereby repealed.

Middletown borough.

SECTION 23. That the eighth section of the act of the second day of April, one thousand eight hundred and fifty, authorizing the town council of the borough of Middletown, Dauphin county, to borrow money, be, and the same is hereby repealed.

SECTION 24. That the ninth section of an act entitled "An Act to erect parts of Norwegian, Branch, Wayne, and North Manheim townships, in the county of Schuylkill, into a separate school district, and relative to school districts in Armstrong, Indiana, Jefferson, and Westmoreland counties, erecting a part of West Brunswick township, Schuylkill county, into a separate school district, to be called Schuylkill school district, be, and the same is hereby repealed.

SECTION 25. That the Canal Commissioners be, and are hereby authorized to examine the claim of H. P. Cadwallader, for damages sustained in the loss of a horse destroyed in crossing Duncan's Island bridge, and settle the same: *Provided*, The amount so settled does not exceed the sum of seventy-five dollars.

Canal Commissioners authorized to examine claim of H. P. Cadwallader.

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 330.

AN ACT

To incorporate the Odd Fellows' Hall Company of Lewistown, relative to roads in Milford township, Juniata county, to the Millheim and East Kishacoquillas and Lewistown and Kishacoquillas Turnpike Road Companies, and to the real estate of John Silverthorn.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Hamilton, John Evans, James Parker, Daniel Fichthorn, James A. Pierce, David Bloom, George W. Stewart, George W. Soult, William Vines, George Fetzner, John Davis, H. J. Walters, Isaac Sides, John Dorrist, and John Rigg, and their associates, and all persons who now are or hereafter may be holders of the stock hereinafter mentioned, shall be, and they are hereby declared to be constituted a body corporate by the style of "The Odd Fellows' Hall Company of Lewistown" to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and the same to alter and renew at pleasure, and to take hold by their representatives and lessees to enjoy such real estate as may be necessary and proper for the construction of a building to be called "Odd Fellows' Hall," for the accommodation and use of the Odd Fellows of Lewistown and other institutions and individuals as may be permitted by the managers to have apartments therein.

Corporators.

Style.

Privileges.

Capital stock.

SECTION 2. The capital stock of the said corporation shall not exceed ten thousand dollars, divided into two thousand shares of five dollars each share, payable at such times and in such manner as the by-laws of the company may require; and that it shall be held as personal property, transferable under such regulations as the corporators shall judge most convenient. Certificates of stock may be issued signed by the president and attested by the secretary with the seal of the corporation attached.

Annual meeting of corporators.

SECTION 3. A general meeting of the corporators shall be annually held on the first Monday of May for the election of nine managers and the transaction of other business. But if such meeting shall not then take place, the corporation shall not for that cause be dissolved; but such meeting or election shall take place as soon thereafter as may be, one week's notice being first given in at least two papers, if there are so many published in the county.

Election of managers.

SECTION 4. The election for managers shall be by ballot from among the corporators. And that in the enactment of by-laws for the government of the corporation and its affairs, and in the decision of all questions, whether of election of officers or disfranchisement of corporators, either because of delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all other questions at the meetings of the corporation, the corporators present shall severally vote once for each share of stock held by them. The managers shall meet for organization at the lodge room in the borough of Lewistown, on the first Monday of May, one thousand eight hundred and fifty-one, and proceed to open books for the subscription of stock, and to contract for the erection of a suitable building on the lot recently purchased by Lewistown Lodge, number ninety-seven, from Mrs. Jacob, situate on the corner of Market and Dorcas streets, in the borough of Lewistown, or such other lot as the corporation may hereafter procure for such purpose—the corporation to assume the article of agreement made by a committee of Lewistown lodge, number ninety-seven, with Mrs. Jacob for the purchase of the lot before mentioned; and certificates of stock shall be issued by the Odd Fellows' Hall Company for the amount of money that may be paid on said lot at the organization of the company, agreeably to the provisions of this act: *And provided*, That immediately after the organization of the company as aforesaid, the title to the said lot or piece of ground shall be vested in the Odd Fellows' Hall Company: *And provided further*, That Lewistown lodge, number ninety-seven, and Kishacoquillas lodge, number one hundred and eighty-four, are hereby authorized to subscribe for such number of shares of stock as a majority of their members may at any regular meeting direct, with power to hold the same in the name of their trustees for the use of the respective lodges, under the same regulations that individuals or corporations may hold stock in the said company.

Officers.

SECTION 5. The managers shall continue in office until their successors be appointed, shall elect a president, secretary, and treasurer from among themselves, shall supply vacancies in their number whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporation. Five members shall be a quorum at their meetings.

First election of managers.

SECTION 6. The commissioners named in the first section of this act shall give two weeks' notice of the time and place of the first election of managers in all the papers published in the county.

Reservation.

SECTION 7. If the said corporation shall at any time hereafter mis-

use the powers hereinbefore granted, the Legislature may at any time resume all and singular the rights, liberties, privileges, and franchises hereby granted the said company.

SECTION 8. That all that part of Milford township, Juniata county, lying in Licking Creek above the run crossing said valley below McCahen's school house, shall, from and after the passage of this act, be a separate district for road purposes; and the taxable inhabitants of said district shall annually hereafter on the Saturday after the third Friday of March, meet at McCahen's school house, and after choosing one of their number to be judge and another to be clerk, shall proceed to hold an election under the provisions of the election laws of this Commonwealth, and elect one of the taxable citizens of said district to be supervisor of the roads in said district.

SECTION 9. That the supervisor of said district shall levy and collect road taxes in and for said district, and keep the roads therein in repair, according to the provisions of the general road laws of this Commonwealth.

SECTION 10. That Michael Branen shall be supervisor of said district from the passage of this act until the annual election on the Saturday following the third Friday of March, one thousand eight hundred and fifty-two; and the road taxes assessed for the present year upon the inhabitants of said township, residing in said district, shall be collected by said Michael Branen, and expended by him on the roads of said district.

SECTION 11. That the Millheim and East Kishacoquillas Turnpike Road Company be, and they are hereby authorized and empowered to bring suits and collect the amount of their several subscriptions from all persons who subscribed to the stock of said company without complying with the provisions of the act of assembly, by paying a part of their subscription at the time of subscribing as fully as if they had paid the amount required to be paid at the time of subscribing.

SECTION 12. That the Lewistown and Kishacoquillas Turnpike Road Company be, and they are hereby authorized to declare scrip dividends to the holders of the stock of said company, equal to six per cent. per annum during the time the tolls of said road were appropriated to altering the location of said road, bearing an interest of six per cent. per annum, and payable when said company may be able to reduce the same.

SECTION 13. That the seventeenth section of the act of assembly, passed the twenty-seventh day of April, Anno Domini, one thousand eight hundred and forty-four, entitled "An Act to authorize the purchase, mortgage, and sale of certain real estate," be, and the same is hereby repealed.

SECTION 14. That the eighth section of the act of assembly, passed the twenty-ninth March, one thousand eight hundred and forty-nine, shall not be construed so as to confer upon Catharine McVey or her heirs the capacity or right to inherit, take, or receive any of the estate of Peter Snigart, deceased, adverse to Dorcas Kimberly, or in any other way than by deed from the said Dorcas, her heirs or assigns.

SECTION 15. That the eighth section of the act of Assembly, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and forty-nine, "conferring on Catharine McVey the rights and privileges of a person born in lawful wedlock," be, and the same is hereby repealed.

SECTION 16. That the State Treasurer be, and he is hereby authorized and required to pay to the heirs of Sergeant William Moor, deceased, late of Lancaster county, two hundred and fifty dollars as a

Part of Milford township, Juniata county, made a separate district for road purposes.

Supervisor of said district authorized to levy and collect road taxes.

Millheim and East Kishacoquillas Turnpike Road Company authorized to bring suits.

Lewistown and Kishacoquillas Turnpike Road Company authorized to declare scrip dividends, &c.

John Silverthorn, relative to the real estate of.

Catharine McVey, relative to rights of.

Catharine McVey divested of certain rights.

compensation for a tract of donation land due him as a soldier of the revolutionary war.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 331.

AN ACT

Relating to the commencement of actions to judgments and decrees for the payment of money to the widows and children of decedents, to partitions in the Common Pleas, relative to penalties on telegraph operators, to pleadings in certain actions of debt, to actions of ejectments, to the protection of fences, to partnerships, to limitations of writs of entry in manors, lands, and tenements, to the exemption laws, to reports of the Supreme Court, to appeals relating to wards, boroughs, and township officers, to the acknowledgments of deeds and sequestration of life estates.

Actions by mortgagees for injuries in the nature of waste, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the remedy provided by the thirty-seventh section of the act passed the thirteenth day of June, one thousand eight hundred and thirty-six, entitled “An Act relating to the commencement of actions,” be, and the same is hereby extended to actions by mortgagees for injuries in the nature of waste that have been or may hereafter be committed to the mortgaged premises, and the sheriff of the proper county or his deputy, shall be authorized to serve the process in any other, although such other shall not be adjoining to the county wherein such real estate is situated.

Preamble.

WHEREAS, It often happens that judgments and decrees for the payment of money are obtained in the city and county of Philadelphia, against persons who subsequently pay the same in full or settle the same by the payment of less sums which are received in full satisfaction, or by the transfer of property, rights, or credits received as full payment, settlement, or satisfaction by the plaintiffs, but satisfaction has not been entered on the records thereof, and great inconvenience, trouble, and injustice has been occasioned thereby to children, heirs, and purchasers; therefore,

Proceeding in entering satisfaction on judgments, &c.

SECTION 2. That when it shall be made known by petition to any court in the said city and county in which any judgment or decree for the payment of money has been obtained, that more than ten years have elapsed since the rendition of said judgment or making of said decree, and that the same has been paid by the defendant or defendants, person or persons against whom the same has been rendered

or made, or by some other person, or has been settled or compromised by the payment of a less sum than the amount of such judgment or decree, or by the transfer of property, rights, or credits received in full thereof or in settlement and satisfaction thereof, it shall be the duty of said court to examine into the facts set forth in such petition, and upon being satisfied of the truth thereof, to direct the prothonotary of said court, upon the payment of the costs if any due to him upon such judgment or decree, to enter satisfaction upon the record thereof, which entry of satisfaction shall have the same effect as if made by the plaintiff or plaintiffs in such judgment, or the person or persons entitled to the benefit of the same, or by the complainant or complainants, or person or persons entitled to the benefit of such decree.

SECTION 3. That it shall be the duty of the court to which any such petition shall be so as aforesaid presented, to direct notice of the presenting of the same to be given to the attorney-at-law by whom the action, suit, bill, or proceeding in which said judgment or decree has been obtained was brought or instituted, and if he be dead, then to the plaintiff or plaintiffs, complainant or complainants, or to his or their executors or administrators, if any there be, or if he, she, or they cannot be found in the county where said judgment or decree has been obtained, and the fact shall be so returned by the sheriff of said county, notice to all parties interested in said judgment or decree shall be directed by said court to be published in one or more newspapers published in said county, or in any other place or places in addition thereto, so often as shall be deemed proper. Duty of court.

SECTION 4. That it may be lawful for the court to which any such petition shall be so as aforesaid presented in its discretion to refer the same, and any answer or plea to it which may be filed, to an auditor to take the testimony and report as to the truth of the facts set forth therein; may direct an issue to ascertain the truth thereof by the verdict of a jury, which issue shall be subject to all the laws made on the subject of feigned issues. Court may refer, &c.

SECTION 5. That hereafter, the widow or the children of any decedent dying within this Commonwealth, testate or intestate, may retain either real or personal property belonging to said estate to the value of three hundred dollars, and the same shall not be sold, but suffered to remain for the use of the widow and family, and it shall be the duty of the executor or administrator of such decedent to have the said property appraised in the same manner as is provided in the act passed the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent: *Provided*, That this section shall not affect or impair any liens for the purchase money of such real estate; and the said appraisement, upon being signed and certified by the appraisers and approved by the Orphans' Court, shall be filed among the records thereof. Widow or children of decedents may retain certain real or personal estate to the value of 300 dollars.

SECTION 6. That in all cases of partition in any of the courts of Common Pleas of this Commonwealth, where either party is the owner of lands of which he is the tenant in common with another party, and the same is parted and divided by virtue of proceedings of partition in the courts of Common Pleas as aforesaid, it shall be the duty of the said court to permit the party owning such adjoining lands to elect the purpart contiguous to his own, and such purpart so elected shall be adjudged to him and set out in severalty without regard to the date of his title: *Provided*, That this act shall not affect cases already adjudicated by the courts aforesaid; and so much of the fourteenth section of Partition in the Courts of Common Pleas, relative to.

the act of the fifth of May, one thousand eight hundred and forty-one, as is inconsistent herewith, is hereby repealed.

Telegraphic
despatches not
to be divulged.

SECTION 7. That from and after the passage of this act, it shall not be lawful for any person connected with any line of telegraph within this Commonwealth, whether as superintendent, operator, or in any other capacity whatsoever, to use or cause to be used, or make known or cause to be made known, the contents of any despatch of whatsoever nature, which may be sent or received over any line of telegraph in this Commonwealth, without the consent or direction of either the party sending or receiving the same; and all despatches which may be filed at any office in this Commonwealth for transmission to any point, shall be so transmitted without being made public, or their purport in any manner divulged at any intermediate point on any pretence whatever, and in all respects the same inviolable secrecy, safe keeping, and conveyance shall be maintained by the officers and agents employed upon the several telegraph lines of this Commonwealth in relation to all despatches which may be sent or received, as is now enjoined by the laws of the United States in reference to the ordinary mail service: *Provided*, That nothing in this act contained shall be so construed as to prevent the publication, at any point, of any despatch of a public nature which may be sent by any person or persons with a view to general publicity.

Penalty for dis-
closing de-
spatches.

SECTION 8. That in case any person superintendent, operator, or who may be in any other capacity connected with any telegraph line in this Commonwealth, shall use or cause to be used, or make known or cause to be made known, the contents of any despatch sent from or received at any office in this Commonwealth, or in anywise unlawfully expose another's business or secrets, or in any wise impair the value of any correspondence so sent or received, such person being duly convicted thereof shall for every such offence be subject to a fine of not less than one hundred dollars or imprisonment not exceeding six months, or both, according to the circumstances and aggravation of the offence.

Actions of debt.

SECTION 9. That it shall be competent and lawful for a defendant in any action of debt upon a judgment of a court of another State for maintaining a plea in bar to said action, to prove the service of the notice or process by which the original action was commenced, was made on him in this State.

Plea to the ju-
risdiction in cer-
tain cases of
judgment, &c.

SECTION 10. That if the record of a judgment of another State does not show that personal service of the notice or process by which the suit was commenced upon which said judgment was obtained, was made in such foreign State, it shall be sufficient to maintain a plea to the jurisdiction of the court in which said judgment was rendered.

Actions of eject-
ment.

SECTION 11. That any action of ejectment hereafter to be brought by a vendor to enforce the specific performance of the agreement against the vendee or vendees or persons claiming under him or them, for land upon which there is no person residing, the writ may be served on the vendee or vendees or persons claiming under them, and if such vendee or person claiming as aforesaid cannot be found by the sheriff of the proper county, then and in that case the court after the return day of the writ may on motion of the plaintiff or his attorney grant a rule on the defendant (describing the premises) to appear and plead, which rule shall be published sixty days before the return day thereof in one newspaper of the county in which such action is brought, to be inserted at least three times, and if no proper person shall appear to defend against the said action, the court on proof of such publication shall on motion in open court, at the stated term give judgment by default, but in case the vendee or purchaser or person claiming under him shall appear, the court shall cause the person, or his legal representative so

claiming under the vendee or purchaser to be made defendant, and the cause shall be proceeded in and tried with the same effect as if there were an actual occupation of the land and regular service on the defendant.

SECTION 12. That if any person or persons from and after the passage of this act shall maliciously or voluntarily break down any post and rail or other fence put up for the enclosure of lands, and carry away, break, or destroy any post, rail, or other material of which such fence was built within this Commonwealth, every person or persons so offending, and being legally thereof convicted before any justice of the peace or alderman within this Commonwealth, shall for every such offence forfeit and pay the sum of ten dollars, one half thereof to be paid to the informer and the other half to the support of the poor of such county, township, borough, or ward where the offence has been committed, together with costs of prosecution; and in default of payment, such person or persons shall be imprisoned in the county jail not exceeding thirty days for the first offence, and sixty days for the second: *Provided*, That either of the parties shall have the right of appeal in the same manner as in civil cases. Fences, for regulations of.

SECTION 13. That from and after the tenth day of August next, all persons who are now doing business in a partnership capacity in this Commonwealth, shall file or cause to be filed in the office of the Prothonotary in the county or counties where the said partnership is carried on, the names and location of the members of such partnership, with the style and name of the same; and as often as any change of members in said partnership shall take place, the same shall be certified by the members of such new partnership as aforesaid; and in default or neglect of such partnership so to do, they shall not be permitted in any suits or actions against them in any court, or before any justice of the peace or alderman in this Commonwealth, to plead any misnomer or the omission of the name of any member of the partnership, or the inclusion of the names of persons not members of said partnership. Partnerships, for regulation of.

SECTION 14. That hereafter, where two or more persons may be desirous of entering into any business whatever in a partnership capacity, they shall before they engage or enter into any such business as aforesaid, comply with and be subject to all the provisions and restrictions in the next preceding section of this act. Further provisions.

SECTION 15. That from henceforth, no person or persons whatsoever shall make entry into any manors, lands, tenements, or hereditaments after the expiration of forty years next after his, her, or their right or title to the same first descended or accrued; nor shall any person or persons whatsoever have or maintain any writ of right or any other real or personal writ or action for any manors, lands, tenements, or hereditaments of the seizure or possession of him, her, or themselves, his, her, or their ancestors or predecessors, than within forty years next before such writ, action, or suit so hereafter to be sued, commenced, or brought: *Provided*, That any person never having right or title of entry as aforesaid, and who is now by law excepted from the general provisions of the act of the twenty-sixth of March, one thousand seven hundred and eighty-five for the limitation of actions, and the heir or heirs of such person may within five years from this time enter or commence any action or suit as he, she, or they, or his, her, or their ancestors or predecessors might have done before the passage of this act. Entry upon manor lands.

SECTION 16. That the right to bring an action of ejectment for unseated lands according to the provisions of the fourth section of an act entitled "A further supplement to an act entitled 'An Act directing the mode of selling unseated lands for taxes and for other purposes,'" passed twenty-ninth of March, one thousand eight hundred and twenty- Further provisions in regard to manor lands.

four, is hereby extended to all persons having any title derived from or by virtue of a sale of unseated lands for the non-payment of taxes, whether such sale be made by the county treasurer or county commissioners.

Debts and contracts under the exemption laws, relative to. **SECTION 17.** That it is hereby declared to be true intent and meaning of the fifth section of the act passed the ninth day of April, one thousand eight hundred and forty-nine, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent," that the twenty-sixth section of an act entitled "An Act relating to executions," passed the sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six, and the seventh and eighth sections of an act entitled "An Act in regard to certain entries in ledgers in the city of Pittsburg, and relating to publishing sheriff's sales, and for other purposes," passed the twenty-second day of April, one thousand eight hundred and forty-six, are not repealed by said section of the act so far as relates to all debts and contracts made and entered into prior to the fourth day of July, one thousand eight hundred and forty-nine.

Reports of the decisions of the Supreme Court. **SECTION 18.** That each volume of the reports of the decisions of the Supreme Court of this Commonwealth shall contain as much printed matter as is contained in the first one hundred and the last four hundred and seventy-five pages of the volume numbered thirteen in the series of "Pennsylvania State Reports," except that the syllabus of each case may be printed with type as large as those which were used in printing the index for that volume; but it shall not be requisite that any volume of the said reports contain more printed matter than as above mentioned.

Appeals of tax payers in this Commonwealth. **SECTION 19.** That any one or more tax payers resident in any borough, township, ward, or district in this Commonwealth, may make in behalf of the borough, township, ward, or district the appeal allowed by the one hundred and fourth section of the act entitled "An Act relating to counties and township officers," passed the fifteenth day of April, one thousand eight hundred and thirty-four, within the time appointed by the said section: *Provided*, That the person or persons appealing shall enter into a recognizance, with two sufficient sureties, conditioned that he or they will prosecute such appeal with effect, and that he or they will pay all costs that may accrue thereupon in case he or they fail to obtain a final decision more favorable to the borough, township, ward, or district than the decision from which the appeal was made.

Relating to acknowledgment of deeds and sequestration of life estates. **SECTION 20.** That the third section of the act entitled "An Act relating to judgments, and the acknowledgement of deeds, and sequestration of life estates, and relative to the high constable of the borough of Wilkesbarre," being number four hundred and nineteen of pamphlet laws of one thousand eight hundred and forty-nine, shall not be construed to extend to any cases of sales of life estates where sales have heretofore been made, and ejectment or other possessory actions may have been brought by the purchaser or purchasers previously to the passage of the said act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 332.

AN ACT

To authorize the laying out of a State road from Downingtown, in Chester county, to the Conestoga turnpike, in Berks county, to incorporate the Darby and Ridley Turnpike or Plank Road Company, and relative to the claim of Joseph D. Webster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. and James Everhart, of the county of Berks, be, and they are hereby appointed commissioners to view, lay out, and mark a State road beginning at or near the junction of the State road leading from Downingtown to Wilmington with the Philadelphia and Lancaster turnpike road at Downingtown, in Chester county, and extending by the easiest and most practicable route, having reference to distance, public convenience, and cost of construction, having due regard to private property, to a point on the Conestoga turnpike road at or near the house of David Mast, lately deceased, in Berks county. Location.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public at an elevation of not more than five degrees from the horizon and thirty-three feet in width, adopting as far as practicable any roads or parts of roads now in use, and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors. And for fulfilling the duties enjoined by this act the commissioners shall be allowed the sum of one dollar and fifty cents per day for every day they shall be necessarily employed in performing the duties assigned by this act. And the said commissioners are hereby authorized to employ one surveyor at one dollar and fifty cents per diem, two chain bearers, and one axeman at a sum not exceeding one dollar for each per diem. Duties. Pay of commissioners.

SECTION 3. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon the courses and distances, and the places, waters, county, and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of November next, and one copy in the office of the clerk of the Court of Quarter Sessions of the respective counties through which the said road may pass, on the time aforesaid or as much sooner as practicable, and from thence forth the said road shall be a public highway and shall be opened and repaired as all other roads laid out by the courts are made and repaired. Draft.

SECTION 4. That the commissioners shall draw on the commissioners of the counties through which the said road shall pass, who shall adjust the accounts of the commissioners, surveyor, chain bearers, and axemen, Adjustment of accounts.

thousand eight hundred and fifty, number eleven, and another by Isaac Gould and Stephen Gould to September term, one thousand eight hundred and fifty, number fourteen, be, and the same are hereby removed and transferred to the Court of Common Pleas of Bucks county, to be tried at one of the terms of said court in the same manner as if they had been originally instituted in the said last-named court; and the record in said actions shall be certified by the said Court of Common Pleas of Carbon county to the said Court of Common Pleas of Bucks county for trial aforesaid; and on final judgment such writs of execution shall be issued as may be necessary to carry the same into full effect.

Certain proceedings in the several courts of Carbon county validated.

SECTION 4. That all and every writ or writs issued out of the several courts of Carbon county, made returnable to the twenty-eighth day of May, one thousand eight hundred and forty-nine, or to the twenty-third day of April, one thousand eight hundred and forty-nine, which were executed or returned on or before the twentieth day of August, one thousand eight hundred and forty-nine, and that all sales of real or personal estate, all entries of judgments, and all other proceedings had, done, or returned into the said courts under said writ, shall be as good, valid, and effectual in law or equity *for the* for the entry of any judgment, conveyance, or assurance of title to any real or personal estate, &c., as though the said writ or writs and all the proceedings had thereon or under them, or any of them, had been made or done on writ or writs duly issued, executed, and returnable as of August term, one thousand eight hundred forty-nine, of the several courts of Carbon county; any law, provisions, or decision to the contrary notwithstanding. That the said sales of real estate shall be held to be as good, valid, and effectual for the conveyance of any defendant or defendants titles in property sold under said writs as though they had been duly issued, executed, and returned before the return days within them named: *Provided*, That the passage of this act shall not effect or disturb any final judgments in any cause in said Carbon county heretofore made.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 334.

AN ACT

To incorporate the Mount Carmel and Shamokin Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

David Thompson, William Weaver, William H. Marshall, Felix Lerch, Peter Buchner, and Jeremiah C. Perkins, and those persons who shall hereafter subscribe for the stock of the company hereby created, be, and are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Mount Carmel and Shamokin Railroad Company," and by the said name shall have perpetual succession, and all the franchises and immunities incident to a corporation, and shall have, hold, and enjoy all the privileges, franchises, and immunities, and be subject to all the restrictions and liabilities granted to and imposed upon the Treverton, Mahanoy, and Susquehanna Railroad Company by the act incorporating the same, approved the twenty-second day of March, Anno Domini, eighteen hundred and fifty, except so far as the same are hereinafter specially modified, altered, or supplied; and all and singular the enactments and provisions of the said act of Assembly, except as aforesaid, shall apply to and govern the company hereby created; *Provided*, That any citizen of the United States may be elected a manager of the company hereby incorporated.

Corporators.

Style.
Subject to provisions of certain act.

SECTION 2. That the president and managers of the said company shall have power to survey, ascertain, mark, and fix such route as they shall deem expedient for a railroad, and to lay down and construct the same with as many tracks as they shall deem necessary from, at, or near the town of Mount Carmel, in Coal township, Northumberland county, to, at, or near the town of Shamokin, in the township and county aforesaid, and to connect the same with any railroad now or hereafter to be constructed at the town of Shamokin, in said county.

Route.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 335.

A N A C T

Relative to the Mahanoy and Wisconisco Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Mahanoy and Wisconisco Railroad Company shall have authority to annex to the mortgage bonds authorized by the act of the sixth May, one thousand eight hundred and fifty, for the purpose of obtaining a loan to complete the said road, the privilege of converting the same into the capital stock of the company at par, at the option of the holders of such election, be signified in writing to the company three days before*

the maturity of said bonds. And the said company are authorized to sell and dispose of the said bonds within or beyond this Commonwealth, at such rates above or below par as may be agreed upon between the parties, and such sale shall be as valid as if sold at par; and the proviso to the fourth section to the said act be, and the same is hereby repealed. And the said company are hereby further authorized to extend their road to and connect it with the Danville and Pottsville railroad, at or near the mouth of the Shamokin creek, in Northumberland county.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 336.

AN ACT

To incorporate the Western Insurance Company, relative to the tax on the Lebaun Valley Railroad, to taxation on exempt property, to affidavits of defence in the Common Pleas of Schuylkill county, and relating to the claim of Henry L. Patterson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Henry Leech, Thomas Allibone, William M. Evans, Edward F. Gay, James T. Crabb, Horn R. Kneass, Edward H. Miles, N. B. Brown, R. L. Martin, Benjamin Sage, John M. Pugh, Jesse T. Vodges, A. C. Garvin, and such other persons as they may hereafter associate with them, their successors and assigns, be, and they are hereby created and made a body corporate in deed and in law, by the name, style, and title, of "The Western Insurance Company," to be located in the city or county of Philadelphia; and by said name and title shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of records and elsewhere, and to purchase, receive, have, hold, use, occupy, possess, and enjoy to them and their successors, lands, tenements, and hereditaments, goods and chattels, of what nature, quality, or kind soever, real, personal, or mixed, or choses in action, and the same from time to time to sell, demise, grant, alien, or dispose of: *Provided*, That the yearly income of the real estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of debt which may have been due or owing to said corporation hereby created, or in satisfaction of any judgment of any court of law in its favor, shall not exceed the sum of five thousand

Corporators.

Style.

Privileges.

dollars. And the said company shall have authority to make, have, and use a common seal, and the same at pleasure to break, alter, and renew.

SECTION 2. That the capital stock of said company shall consist of two thousand shares of fifty dollars each, upon each share of which the sum of five dollars shall be paid at the time of subscribing for the same, and the balance in instalments at such times and in manner as the board of directors for the time being shall direct. And if any such subscribers shall fail to pay any such instalment in the manner and form prescribed by said directors, he shall, in addition to said instalments so called for, pay at the rate of two per cent. per month for the delay of such payment; and if the same and the additional penalty or any part thereof shall remain unpaid for six months, he shall at the discretion of the directors forfeit to the use of the company any and all his right, title, and interest in and to every and all such share or shares on account of which default and delay of payment may be made as aforesaid; or the directors may at their discretion cause suit to be brought before any justice of the peace or alderman, or before any court of competent jurisdiction, for the recovery of the same with the penalty of ten per cent. per month. Capital stock.

SECTION 3. That the said company shall as soon as convenient after the passage of this act, elect ten of their number to be a board of directors; and annually thereafter on the first Monday in January in each and every year an election for the board of directors shall be held. And after one thousand shares of stock shall have been subscribed for, and an instalment of five dollars paid on each share, then and thereafter no person, unless he be a stockholder, shall be eligible to be a director; and at all elections each share of stock shall be entitled to one vote, and all elections for directors by the stockholders to be valid and good in law, shall be called by at least two weeks' notice in at least two newspapers in the city of Philadelphia. Board of directors.

SECTION 4. That all elections for directors shall be by ballot; no voting by proxy shall be allowed, nor shall any stockholder be allowed to vote unless the share or shares on which he shall claim to vote shall have been standing in his or her name for at least sixty days before any such election. Nor shall any stockholder be allowed to vote at any election, general or special meeting of the company, on any share or shares on which any instalment or arrearages may be due more than ten days previously to said elections or meetings. Election of directors to be by ballot.

SECTION 5. That the board of directors shall have power to elect one of their number president, and appoint all such necessary officers, clerks, agents, or other persons as they may deem necessary and proper for conducting and managing the affairs of said company, fix their compensation, take bonds from any and all of them with security conditioned for the faithful execution of their several duties, to make such covenants, contracts, and agreements as they may deem proper, to ordain, establish, and put in execution, all such ordinances, rules, regulations, and by-laws as may be necessary for the government or conducive to the interests of the company not contrary to the fundamental articles thereof, to the Constitution and laws of the United States or of this Commonwealth; to provide proper books and certificates for the subscribers to the capital stock, and to provide for the proper and legal transfer of said certificates of stock in a book or books to be kept by said company, and to make such proper rules and regulations as in their discretion they may deem necessary for the transfer of any such certificate or certificates of the capital stock, and generally to do, execute, and perform all acts, Officers.

matters, and things in relation to the business of said company which a corporation can or may lawfully do.

Power to make insurance on lives, &c.

SECTION 6. That the said company shall have full power and authority to make insurance against losses by fire at such rate of premium as may be agreed upon, on any house, tenement, manufactory, or other building, and on goods, wares, and merchandize, and other effects therein, and on hay, grain, and other agricultural products in barns, stacks, or otherwise, and generally on all kinds of buildings, goods, wares, merchandize, and effects, together with every species of property, pursuit, or business, in the pursuit and prosecution of which there is any loss or risk, and also to make and effect insurance on lives of whatsoever sort or nature; to contract for, grant, and sell annuities and reversionary payment, to take, receive, and hold all estates and property, real and personal which may be granted, committed, transferred, or conveyed to them with their consent, upon any trust or trusts whatever, at any time or times, by any person or persons, body or bodies corporate, or by any court of the United States or of this State, and to administer, fulfil, and discharge the duties of such trusts, and to make, execute, and perfect such contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary and as the nature of the case may require; and every such contract, bargain, agreement, policy, and other instrument to be made by the said company shall be in writing or print under the corporate seal signed by the president and attested and signed by the secretary or other officers who may be appointed by the directors for that purpose: *Provided however*, That the company shall not exercise any of these powers until the full subscription of one thousand shares shall be made, and five dollars on each be paid.

May improve the capital stock, &c.

SECTION 7. That it shall be lawful for the said corporation to employ and improve the capital stock thereof, and all other funds entrusted to their care in any way, and all moneys received for premiums which by this act the directors are directed to retain, until the risks upon which such premiums have been received are fully determined, in any available stock, or to lend the same or any part thereof upon any good and sufficient security, and also to sell and dispose of and transfer all or any of the said stock or securities, and invest the proceeds thereof in like or such other stock and securities: *Provided*, That nothing herein contained shall authorize the said company to use the funds of the company for banking purposes.

Dividends.

SECTION 8. That the directors of said company shall on the first Mondays of January and July in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all expenses, and pay the said dividend to the respective stockholders, or to the agents duly empowered to receive them; but the moneys received as premiums upon risks which remain undetermined and outstanding at the time of declaring such dividend, shall not then be considered as part of the profits of the said company, or divided as such. And if any loss shall happen whereby the capital stock of the said company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the said capital stock; and if the directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, such of them as shall consent thereto shall in their individual capacity be accountable for and pay over to the said company for the use thereof as much money as they may so divide and pay more than by this act they are authorized to do; and each director in office at the time of making such dividend hereby prohibited shall be deemed as consenting thereto, unless he or they shall at the time of

making and declaring the same be absent from the meeting of the board of directors, or if present, shall immediately enter his or their protest or protests on the minutes of the board.

SECTION 9. That should the said board of directors at any time deem it advisable to increase the capital stock of the said company, they are hereby fully empowered to increase the said capital stock in any sum not exceeding two thousand shares of fifty dollars each, payable to the company in instalments, in amount and at such times as the directors may determine. Increase of capital stock.

SECTION 10. That should the said company at any time fail to meet its engagements, each person holding stock at the time of such failure shall be individually liable for the debts of the company to the amount of the balance unpaid on the stock of such stockholders. Individual liability.

SECTION 11. That the right to repeal or alter this charter in such manner as to do no injustice to the stockholders, is hereby reserved to the Legislature. Reservation.

SECTION 12. That the Lebanon Valley Railroad Company from and after the completion of their road, shall pay into the treasury of the Commonwealth, in the manner now prescribed by law, the sum of ten cents for every passenger who shall pass over the entire length of their road, and shall further pay in the manner aforesaid the same tax per mile on tonnage passing over the entire length of said road as is now or may hereafter be imposed by law on the Pennsylvania Railroad Company. And so much of any act of Assembly as conflicts or is inconsistent with the provisions of this section, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall be construed to deprive the Legislature from increasing the rate of taxation at any time to an amount not exceeding the rates provided in any former act of Assembly relating to said road. Lebanon Valley railroad, tax on.

SECTION 13. That all property, real or personal, belonging to any association or incorporated company which is now by law exempt from taxation, other than that which is in the actual use and occupation of such association or incorporated company, and from which an income or revenue is derived by the owners thereof, shall hereafter be subject to taxation in the same manner and for the same purposes as other property is now by law taxable. And so much of any law as is hereby altered and supplied, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall be construed to exempt cemetery companies from taxation. Exempt property, taxation of.

SECTION 14. That in all actions hereinafter instituted in the Courts of Common Pleas of the county of Schuylkill, on bills, notes, bonds, or other instruments of writing, for the payment of money and on book accounts in all actions and contracts for the loan or advance of money, whether the same be in writing or not, in all actions of scire facias, on mortgages, judgments, and on liens of mechanics and material men, under the act of seventeenth March, one thousand eight hundred and thirty-six, and the various supplements thereto, it shall be lawful for the plaintiff at such time as the court may appoint, not less than twenty days after the return days of the said courts, on motion to enter judgment by default, a declaration or statement first having been filed under the standing rules of said courts, notwithstanding an appearance by attorney, unless the defendant shall previously have filed an affidavit of defence, stating therein the nature and character of the same: *Provided*, That in all such cases no judgment shall be entered by virtue of this act, unless the said plaintiff shall within two weeks after the returning of the original process file in the office of the prothonotary of Actions on notes, bonds, &c., in Schuylkill county.

matters, and things in relation to the business of said company which a corporation can or may lawfully do.

Power to make insurance on lives, &c.

SECTION 6. That the said company shall have full power and authority to make insurance against losses by fire at such rate of premium as may be agreed upon, on any house, tenement, manufactory, or other building, and on goods, wares, and merchandize, and other effects therein, and on hay, grain, and other agricultural products in barns, stacks, or otherwise, and generally on all kinds of buildings, goods, wares, merchandize, and effects, together with every species of property, pursuit, or business, in the pursuit and prosecution of which there is any loss or risk, and also to make and effect insurance on lives of whatsoever sort or nature; to contract for, grant, and sell annuities and rever-sionary payment, to take, receive, and hold all estates and property, real and personal which may be granted, committed, transfered, or conveyed to them with their consent, upon any trust or trusts whatever, at any time or times, by any person or persons, body or bodies corporate, or by any court of the United States or of this State, and to administer, fulfil, and discharge the duties of such trusts, and to make, execute, and perfect such contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary and as the nature of the case may require; and every such contract, bargain, agreement, policy, and other instrument to be made by the said company shall be in writing or print under the corporate seal signed by the president and attested and signed by the secretary or other officers who may be appointed by the directors for that purpose: *Provided however*, That the company shall not exercise any of these powers until the full subscription of one thousand shares shall be made, and five dollars on each be paid.

May improve the capital stock, &c.

SECTION 7. That it shall be lawful for the said corporation to employ and improve the capital stock thereof, and all other funds entrusted to their care in any way, and all moneys received for premiums which by this act the directors are directed to retain, until the risks upon which such premiums have been received are fully determined, in any available stock, or to lend the same or any part thereof upon any good and sufficient security, and also to sell and dispose of and transfer all or any of the said stock or securities, and invest the proceeds thereof in like or such other stock and securities: *Provided*, That nothing herein contained shall authorize the said company to use the funds of the company for banking purposes.

Dividends.

SECTION 8. That the directors of said company shall on the first Mondays of January and July in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all expenses, and pay the said dividend to the respective stockholders, or to the agents duly empowered to receive them; but the moneys received as premiums upon risks which remain undetermined and outstanding at the time of declaring such dividend, shall not then be considered as part of the profits of the said company, or divided as such. And if any loss shall happen whereby the capital stock of the said company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the said capital stock; and if the directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, such of them as shall consent thereto shall in their individual capacity be accountable for and pay over to the said company for the use thereof as much money as they may so divide and pay more than by this act they are authorized to do; and each director in office at the time of making such dividend hereby prohibited shall be deemed as consenting thereto, unless he or they shall at the time of

making and declaring the same be absent from the meeting of the board of directors, or if present, shall immediately enter his or their protest or protests on the minutes of the board.

SECTION 9. That should the said board of directors at any time deem it advisable to increase the capital stock of the said company, they are hereby fully empowered to increase the said capital stock in any sum not exceeding two thousand shares of fifty dollars each, payable to the company in instalments, in amount and at such times as the directors may determine. Increase of capital stock.

SECTION 10. That should the said company at any time fail to meet its engagements, each person holding stock at the time of such failure shall be individually liable for the debts of the company to the amount of the balance unpaid on the stock of such stockholders. Individual liability.

SECTION 11. That the right to repeal or alter this charter in such manner as to do no injustice to the stockholders, is hereby reserved to the Legislature. Reservation.

SECTION 12. That the Lebanon Valley Railroad Company from and after the completion of their road, shall pay into the treasury of the Commonwealth, in the manner now prescribed by law, the sum of ten cents for every passenger who shall pass over the entire length of their road, and shall further pay in the manner aforesaid the same tax per mile on tonnage passing over the entire length of said road as is now or may hereafter be imposed by law on the Pennsylvania Railroad Company. And so much of any act of Assembly as conflicts or is inconsistent with the provisions of this section, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall be construed to deprive the Legislature from increasing the rate of taxation at any time to an amount not exceeding the rates provided in any former act of Assembly relating to said road. Lebanon Valley railroad, tax on.

SECTION 13. That all property, real or personal, belonging to any association or incorporated company which is now by law exempt from taxation, other than that which is in the actual use and occupation of such association or incorporated company, and from which an income or revenue is derived by the owners thereof, shall hereafter be subject to taxation in the same manner and for the same purposes as other property is now by law taxable. And so much of any law as is hereby altered and supplied, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall be construed to exempt cemetery companies from taxation. Exempt property, taxation of.

SECTION 14. That in all actions hereinafter instituted in the Courts of Common Pleas of the county of Schuylkill, on bills, notes, bonds, or other instruments of writing, for the payment of money and on book accounts in all actions and contracts for the loan or advance of money, whether the same be in writing or not, in all actions of scire facias, on mortgages, judgments, and on liens of mechanics and material men, under the act of seventeenth March, one thousand eight hundred and thirty-six, and the various supplements thereto, it shall be lawful for the plaintiff at such time as the court may appoint, not less than twenty days after the return days of the said courts, on motion to enter judgment by default, a declaration or statement first having been filed under the standing rules of said courts, notwithstanding an appearance by attorney, unless the defendant shall previously have filed an affidavit of defence, stating therein the nature and character of the same: *Provided*, That in all such cases no judgment shall be entered by virtue of this act, unless the said plaintiff shall within two weeks after the returning of the original process file in the office of the prothonotary of Actions on notes, bonds, &c., in Schuylkill county.

the courts aforesaid a copy of the instrument of writing, book entries, record or claim, except mortgages on which action has been brought; and said court shall have the same powers to make general rules and orders as are given to the District Court for the city and county of Philadelphia by the act of the eleventh of March, one thousand eight hundred and thirty-six, entitled "A supplement to the act entitled 'An Act to establish the District Court for the city and county of Philadelphia,'" approved the twenty-eighth day of March, one thousand eight hundred and thirty-five.

Henry L. Patterson, for relief of.

SECTION 15. That the Auditor General be, and he is hereby authorized and required to draw his warrant on the State Treasurer in favor of Henry L. Patterson, for the sum of two thousand five hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, for his damages, for extra work done, and losses sustained on the eastern reservoir near Hollidaysburg.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 337.

AN ACT

To incorporate the Susquehanna Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Jacob M. Haldeman, Henry Buehler, Benjamin Parke, Robert A. Commissioners. Lambertson, William Hamilton, Oliver Bellman, Francis C. Carson, John H. Berryhill, Philip Dougherty, Isaac G. M'Kinley, O. Barrett, William Dock, James H. Carter, Johns Hopkins, Zenos Barnum, John Brune, Patrick H. Sullivan, R. M. M'Graw, William Swain, A. S. Abell, Wm. Bose, Thomas C. Jenkins, Wm. Loney, Henry Garret, Simon Cameron, George Christ, Ellis Lewis, George M. Lauman, Israel Carpenter, George Urben, John B. Packer, Benjamin Deford, Henry Speece, Josiah Lea, Isaac Lea, George Blattenberger, Jacob Spatz, George B. Weiser, Adam Bingeman, William Thompson, Michael Herr, William T. Walters, Charles W. Hegins, Alexander Jordon, H. B. Masser, George B. Youngman, William L. Dewart, Edward Y. Bright, Charles Weaver, Gideon M. Yorks, Samuel Hunter, Joseph R. Priestly, William Forsyth, Amos E. Kapp, William Cameron, John Walls, George F. Miller, James Pollock, Robert M. Frick, Reuben Fegely, Montgomery A. Sweeny, Henry Reader, William A. Petrikin, Eli

Slifer, Wm. Brindle, Robert Montgomery, Charles Gudykunst, Thomas Maxwell, Wm. F. Packer, George Schnaeble, Robert Faries, Thomas W. Lloyd, Ralph Elliot, Tunison Coryell, John S. Gittings, A. B. Warford, Oliver Watson, Thomas Bennet, James Gamble, William Dunn, George Crane, Henry Tiffeny, Adolphus D. Wilson, John H. Duval, Wm. Travers, Charles R. Buckalew, John M'Reynolds, Peter Baldy, Wm. Woodville, George M. Hallenbach, George Brown, Andrew Beaumont, Hendrick B. Wright, Thomas Meyers, Henry M. Fuller, Luther Kidder, Joseph Wilson, Samuel F. Headly, Joseph Paxton, Elias S. Lowe, John E. Hoover, Timothy Ives, B. C. Howard, R. S. Hollans, John W. Guernsey, Thomas Wilson, Wm. G. Harrison, George Sanderson, Gideon G. Westcott, John Brenner, John Sharpe, Wm. L. Helfenstein, George Beebe, Bertram H. Howell, Job R. Tyson, Jacob H. Lex, Wm. Reynolds, Wm. Gillmore, Josiah Randall, Garriek Mallery, Wm. S. Hallowell, George M. Gill, Craig Biddle, Edward Gratz, David F. Williams, George Cassard, Columbus O'Donnell, Adam Denmead, David Stewart, Joseph Lims, Walter Fernandez, Enoch Pratt, Samuel H. Taggart, Wm. P. Ponder, John F. Cowan, John Orien, Anthony Green, Harry Conrad, Francis W. Hughes, Henry Adam, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Susquehanna Railroad Company," with power to construct a railroad connecting with the York and Cumberland railroad, or with the Pennsylvania railroad on either side of the river Susquehanna or on the Juniata, and with the right and privilege to connect the same with both or either of said railroads, and running through Halifax and Millersburg, in Dauphin county, to Sunbury, in Northumberland county, subject to all the provisions and restrictions of "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine, so far as the same are not altered or supplied by this act; and the said railroad company shall have the right and privilege, subject to the provisions and restrictions of the said act, to extend their railroad from the borough of Sunbury to a point at or opposite the borough of Williamsport, in Lycoming county, on either bank of the West Branch of the Susquehanna, and to a point at or opposite the borough of Wilkesbarre, in Luzerne county, on either bank of the North Branch of the Susquehanna river, and to connect their railroad with any railroad constructed or to be constructed in the counties through which the same may pass.

SECTION 2. That the capital stock of the said company shall consist of thirty thousand shares: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act. And for the purpose of completing and equipping the said railroad, the said company shall have the power of borrowing any sum not exceeding two millions of dollars at a rate of interest not exceeding seven per centum per annum, and to secure the payment of the same by the issue of bonds and a mortgage of the said railroad, together with the corporate rights and franchises granted by this act, and to annex to the said bonds and mortgage the privilege of converting the same into the capital stock of the said company at par at the option of the holders, if they shall signify their election in writing, so to convert the same one year before their maturity.

SECTION 3. That if the said company shall not commence the construction of said road within three years, and complete it in eight years from the passage of this act, the same shall be null and void, except so

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Commencement and completion of road.

far as the same may be necessary to settle up the affairs and pay the debts of said company.

Required to locate and put under contract the entire road, &c.

SECTION 4. That said company shall be required to locate and put under contract the entire road from Sunbury to its southern terminus at one and the same time, and shall prosecute the work to its completion at the same time throughout its entire extent, and that no part of the same shall be used or put in operation until at least one track of the same description and weight of rail shall have been laid down the whole length from Sunbury to the southern terminus of the road as aforesaid; and that the gross amount of tolls shall be paid into the State Treasury until at least one track shall be completed the entire length of the road: *Provided*, That for every one mile of railroad constructed under the provisions of this act southward of the point where the Pennsylvania railroad crosses the Susquehanna river, said Susquehanna Railroad Company shall construct at least seven miles of railroad northward of the point where the Pennsylvania railroad crosses said Susquehanna river.

Tolls.

SECTION 5. That the said company shall so regulate their tolls and charges for motive power and transportation on said road that they shall at no time be greater per passenger or per ton per mile on passengers or freight destined to or from the improvements of this Commonwealth, or to or from the city of Philadelphia, either by railroad or canal, than may be charged per passenger or per ton for the same description of goods or merchandize transported over an equal distance destined for the York and Cumberland railroad or the city of Baltimore.

Tax.

SECTION 6. A tax is hereby imposed on all tonnage and passengers passing over said road, at the same rate, on the same terms, and subject to the same conditions, limitations, and restrictions, as are now or may hereafter be provided by law for the Pennsylvania railroad.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 338.

AN ACT

Regulating the licensing of beer houses and stores to sell liquors in the counties of Susquehanna and Wyoming, relative to the New York and Erie Railroad, to change the name of the Leggett's Gap Railroad Company, to the Germantown Gas Company, and to the release of Christian Haehten as one of the sureties of Jacob Sallade, late Surveyor General.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

from and after the expiration of the several licenses heretofore granted to merchants, keepers of beer houses, ten-pin alleys, restaurants, or any other person or persons under or by virtue of which they are permitted to sell strong beer, ale, or other malt liquor, in the counties of Susquehanna and Wyoming, no such person or persons shall receive a license authorizing or permitting him, her, or them to traffic in or sell any such liquors unless he, she, or they shall have first advertised his, her, or their intention to apply to the Court of Quarter Sessions of the peace in one or more newspapers of the said counties for such a license, for a period of four weeks preceding such application.

SECTION 2. That from and after the passage of this act, the power to grant licenses to sell any such liquors in the counties aforesaid is vested exclusively in the said court, which shall have the same power in considering such applications as is now vested therein by existing acts of assembly relating to the licensing of public inns or taverns: *Provided*, That the court shall in no case grant such license unless satisfied of the necessity of so doing.

SECTION 3. That the power of licensing for other purposes than the sale of liquor shall remain as heretofore; and all acts of Assembly inconsistent with the provisions of this act be, and the same are hereby repealed so far as the same relate to said counties of Susquehanna and Wyoming.

SECTION 4. That the New York and Erie Railroad Company be, and they are hereby required, within six months from the passage of this act, to erect and at all times keep in good repair a sufficient and lawful fence on each side of their railroad in the county of Susquehanna, where it may be necessary for the public safety, and where the owner or owners of the land through which said road passes have not agreed to fence said road, or have not been paid for such fencing; and said company is also required within the time aforesaid to construct and keep in repair good and sufficient cattle guards on each side of all public crossings in said county. And if the said company fail to comply with the provisions of this section, they shall be liable in an action of debt for the value of the property injured or destroyed as like sums are now by law recoverable; and in such case it shall not be necessary for the plaintiff to prove negligence on the part of said company.

SECTION 5. That the corporate name of the Leggett's Gap Railroad Company be, and the same is hereby changed to the name, style, and title, of "The Lackawanna and Western Railroad Company," by and under which name, style, and title, the said company shall use, exercise, and possess all the rights, privileges, powers, and franchises to which they are now by law entitled, and be subject to the same duties and liabilities, and shall be bound to discharge all obligations entered into under the name and style of "The Leggett's Gap Railroad Company," the property and franchises of said company hereby merging and vesting by virtue of this act, in the name, designation, and style, of "The Lackawanna and Western Railroad Company:" *Provided however*, That for all causes of action heretofore accruing, the said company shall sue and be sued in the name of "The Lackawanna and Western Railroad Company," late the Leggett's Gap Railroad Company, and no suit or proceedings in behalf or against said company now pending shall abate or be affected by reason of this act.

SECTION 6. That George W. Carpenter, William E. Morris, John Fallon, Charles P. Bayard, Philip R. Freas, Wyndham H. Stokes, Charles J. Wister, W. H. Potter, Eli K. Price, Charles F. Ashmead, Jabez Gates, George Hergeshimer, Cephas G. Childs, George W. To-

License for merchants, keepers of beer houses, ten-pin alleys, &c., in Susquehanna and Wyoming counties, regulated.

Power to license vested exclusively in the courts of said counties.

Repeal.

New York and Erie Railroad Company required to erect fences, &c.

Leggett's Gap Railroad Company, name changed.

Corporators.

Germantown
Gas Company.

land, and F. William Bockias, or a majority of them who shall accept this act, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Germantown Gas Company," for the purpose of manufacturing and introducing gas for light in and through the borough of Germantown, in the county of Philadelphia, and for the transaction of such business as may be necessarily connected therewith; and may erect and construct such buildings, machinery, and other works as may be required to carry on such branches of manufacture. And they shall have power to raise by subscription a capital stock of fifty thousand dollars, divided into one thousand shares of fifty dollars each. And the said corporation shall have all the rights, privileges, powers, and immunities, and be subject to all and singular the restrictions and limitations mentioned and given to the Harrisburg Gas Company by an act of Assembly, passed the twenty-eighth day of March, eighteen hundred and forty-eight, as fully as if the same were hereby particularly specified, omitting such parts as refer exclusively to lighting the public buildings: *Provided*, That at any time after twenty years from the passage of this act, the borough of Germantown aforesaid shall have the right to purchase all and singular the property, rights, and privileges and franchises whatsoever of the said Germantown Gas Company, on paying to the said corporators or their successors therefor the cost prices thereof, with ten per cent. added thereto.

Jacob Sallade,
deceased, rela-
tive to sureties
of.

SECTION 7. That the Auditor General be, and he is hereby authorized and required in the name of the Commonwealth of Pennsylvania, upon payment of the original debt caused by the defalcation of Jacob Sallade, and costs thereon, to release Christian F. Haehnlen, late of Dauphin county, from the payment of interest on said original claim of the Commonwealth against him as surety of Jacob Sallade, late Surveyor General, which claim is now in judgment on the record of the Common Pleas of Dauphin county.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 339.

AN ACT

To incorporate the Adams County Mutual Fire Insurance Company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph Fink, Peter Diehl, Robert M'Curdy, Jacob Griest, William

Gardner (merchant), John Haines, Andrew Heintleman, Samuel Miller, Alexander R. Stevenson, Henry A. Picking, David A. Buehler, John Musselman, junior, Joseph R. Henry, Barnard Hildebrand, John Busby, Jacob King, William B. Willson, Amos Lefever, Anthony B. Kurtz, Joel B. Danner, Jacob Raffensberger, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be, and are hereby constituted and declared to be a body politic and corporate, by the style and title of "The Adams County Mutual Fire Insurance Company," and shall have all the privileges of the act entitled "An Act to incorporate the Cumberland Valley Mutual Protection Company of Dickinson township, Cumberland county," passed the ninth day of March, one thousand eight hundred and forty-three. The above-mentioned persons in this act shall constitute the first board of managers to carry this act into effect.

SECTION 2. No policy shall be insured by said corporation until application be made for insurance for fifty thousand dollars. When policy may be insured.

SECTION 3. That the commissioners and auditors of the county of Franklin shall hereafter be allowed mileage at the rate of six cents per mile circular for every mile necessarily travelled by them respectively in attending to the duties of their respective offices, which shall be in addition to the compensation allowed by existing laws: *Provided* however, That the said commissioners shall receive no mileage in addition to that which is allowed by existing laws for distance travelled in attending to the graduation of lands on which money is due to the Commonwealth; nor shall they receive mileage for any distance travelled in holding the triennial appeals. Mileage of commissioners and auditors of Franklin county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 340.

AN ACT

To incorporate the city of Erie, and to authorize said city to borrow money to be applied to the improvement of their harbor, and to authorize the Canal Commissioners to examine the claims of James Dawling, John Nicholas, Porter and Smith, James White, William Henry, and Colt and Brobst.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the borough of Erie, in the county of Erie, as the same extends and is now incorporated, be, and the same is hereby constituted a city by the*

Name.

name a title of "The city of Erie," and by said name shall be hereafter designated, and the inhabitants thereof by the same name are hereby constituted a body corporate and politic with all the incidents of a corporation.

Division into wards.

SECTION 2. That the said city shall be and remain divided for municipal purposes into two wards, one to be called the East and the other the West Ward, which shall be bounded in the same manner as and corresponding in all respects with the East and West Wards of the heretofore borough of Erie.

Election of mayor, council, &c.

SECTION 3. That the inhabitants of said city qualified to vote for members of the General Assembly of this Commonwealth, and who shall have resided one year in said borough or city immediately preceding the elections hereinafter mentioned, shall meet at the court house in said city on the fifteenth day of May next, and between the hours of eight o'clock, A. M., and seven o'clock, P. M., and elect one citizen qualified to serve as Senator of this Commonwealth to be mayor, and one person to be high constable of said city; and each of said wards shall at the same time and place elect three citizens residents of the respective wards qualified as aforesaid to be a select council, and six citizens residents as aforesaid and qualified to serve as members of the General Assembly of this Commonwealth to be a common council of and for said city, all of whom shall hold their respective offices until their successors shall be chosen as hereinafter provided. And from and after said election, the powers, offices, and duties of the burgess and council of the borough of Erie and those of the several officers by them appointed, shall cease and expire; and said election and all subsequent city elections shall be governed, as to the manner of holding the same, by the laws of this Commonwealth regulating township elections; and said first election shall be holden by the judges and inspectors of election last elected in said borough: *Provided*, That none but citizens resident as aforesaid shall vote at such elections.

Division of select council into classes.

SECTION 4. That the members elect of the select council shall on the day next succeeding their election aforesaid, divide themselves by lot into three classes, and the term of office of the first class shall expire upon the first, and the second upon the second, and the third on the third city election next succeeding, at which respective elections the vacancies shall be supplied by the election annually of one-third part of said select council in the manner aforesaid.

Annual election.

SECTION 5. That the mayor, common council, and high constable, shall respectively hold their offices until the city election next succeeding, and shall be thereafter annually elected. And after the first election aforesaid, the city elections shall be holden on the same day as township elections are or shall be holden by the laws of this Commonwealth. And the justices of the peace, common constables, assessors, inspectors, and judges of elections and auditors of said borough in office at and immediately before said first election, shall continue in office in said city till the next election for said several offices, and be vested with the same powers and subject to the same duties; and at the expiration of their respective terms of office others shall be elected in the respective wards of said city at the proper city election in the same manner and with the same effect as if this act had not been passed.

Legislative powers of said city vested in the councils.

SECTION 6. That the legislative powers of said city and corporation shall be vested in the select and common councils thereof, who shall perform legislative acts in separate bodies; and a majority of the members of each body must be present to constitute a quorum for the transaction of business. The mayor when present shall be the presiding officer of the select council, and in case of an equal division shall give

the casting vote, but otherwise shall not be entitled to a vote. The common council shall annually choose one of its members to preside at its deliberations, who shall vote as other members, and no act by-law or ordinance shall be valid unless passed by a majority of the members present in each body legally assembled.

SECTION 7. That stated meetings of the select and common councils shall be holden for the transaction of business on the first Monday of each month, and as much oftener and at such place in said city as shall be provided by the ordinances thereof; and the doors of the respective halls of said select and common councils shall be open for the admission of all orderly and peaceable citizens who may choose to attend the session thereof; and the said councils may provide by ordinance for the punishment by fine of any person or persons who shall by any disorderly conduct disturb either of the respective sessions; and either body may expel such person from the hall at its sessions.

Stated meetings
of councils.

SECTION 8. That each body shall appoint a clerk, who shall make and keep a full record of its proceedings, recording the names of the members present; and all the ordinances, by-laws, rules, and regulations of said councils, shall be signed by the mayor, clerks of the respective councils, and published in or more of the public newspapers of said city, the publication proved by the oath of some credible witness, and recorded with the probate thereof in the office for recording deeds in the county of Erie, in a book to be provided by said corporation, and by the recorder of said county to be kept for that special purpose within thirty days after the passing thereof, otherwise the same shall not be valid, nor shall any such ordinances, by-laws, rules, or regulations be in force until they shall be so recorded. The recorder shall be entitled to one cent for every ten words of recording in the premises; and said book shall be kept for the inspection, without charge, of all persons interested; and the said recorder shall be deemed and taken as sufficient evidence of the passage and publication of all such ordinances, by-laws, rules, and regulations.

Clerks.

SECTION 9. That all and singular the acts of Assembly respecting the borough of Erie, and ordinances and by-laws, rules and regulations of the same as they existed at and immediately before the passage of this act, except so far as the same is hereby altered or supplied, shall be and remain in force in said city in the same manner and with the same effect as if this act had not been passed: *Provided*, That the said ordinances, by-laws, rules, and regulations shall within four months after the passage of this act be recorded as aforesaid, with the certificate of the clerk for the time being of the publication thereof.

Certain acts to
remain in full
force.

SECTION 10. That the mayor of said city shall have the jurisdiction of and power to try and determine all actions for fines, penalties, or forfeitures imposed by the laws of this Commonwealth relating to said borough or city, or imposed by any of the ordinances, by-laws, rules, or regulations thereof, and to issue execution to one of the constables of said city for the collection of any judgment rendered in the premises, to be collected in the same manner as judgments of justices of the peace founded on trespass or trover are now by law collectable; and the constable to whom such execution may be issued shall be liable thereon in the same manner as if founded on such judgment in trover or trespass; and said mayor shall also have the power and criminal jurisdiction of the justices of the peace in all cases of offences whatsoever committed in said city, and for the preservation of the peace thereof, and shall be entitled to the same fees as justices of the peace of this Commonwealth for similar services; and shall also have and exercise all the powers whatsoever which at and immediately before the passage

Jurisdiction and
power of mayor.

of this act belonged to the office of the burgess of the borough of Erie, except so far as the same may be inconsistent with the provisions of this act. And the justices of said city shall have concurrent jurisdiction in the collection of fines and penalties, the preservation of the peace, and in the criminal matters aforesaid.

Power of
councils.

SECTION 11. That the said select and common councils shall have power to compel the owners or occupiers of lots to repair the side-walks in front of their respective lots, or to cause the repairs to be made, and file their liens therefor in the same manner as the burgess and town council were authorized to do in case of the original construction of such pavements. And said select and common councils may by general ordinance regulate the portion of the side-walks which the owners of dwelling houses and others may use for door-steps and other proper purposes, in front of their respective premises; and may impose penalties for mutilating or injuring trees growing upon the streets and public grounds of said city. And the councils shall be vested with all the powers in said city which at and immediately before the passage of this act belonged to and was vested in the burgess and town council of the borough of Erie.

Further powers.

SECTION 12. That the select and common council shall have power, and they are hereby authorized and empowered to pass, from time to time, such and so many ordinances as may be thought necessary for the prevention or regulations of the erection or removal, from any other place in the said city, of any wooden dwelling house, shop, warehouse, carriage house, store, stable, or other wooden buildings, within the limits of the said city: *Provided*, That such ordinances shall not be contrary to the Constitution or laws of this Commonwealth.

Estate, property, &c., vested in this corporation.

SECTION 13. That all the estate and property whatsoever, real, personal, or mixed, and all choses in action, claims or demands of the borough of Erie, or of the burgess and town council thereof, are hereby vested in the corporation or body politic of the city of Erie, in the same manner and for the same estate which the corporate authorities of said borough held or had therein; and all suits now pending may be prosecuted to judgment by and for said city, in the same manner and with the same effect as could have been done by said burgess and town council if this act had not been passed. And all judgments, suits, claims, and demands whatsoever against said borough, are hereby transferred to and shall continue and may be prosecuted against said city as fully and completely as they could have been against said burgess and town council if the borough charter had not been abolished.

Mode of enforcing payment of judgments against said city.

SECTION 14. That the mode of enforcing payment of any judgment against said city shall be the same as is or hereafter may be provided by law for enforcing payments of judgments against the several townships of this Commonwealth.

Appeals by persons aggrieved.

SECTION 15. That if any person shall think himself aggrieved by any judgment rendered against him by the mayor or any of the justices of said city for any penalty inflicted by or under any act of Assembly respecting said borough or city, or any of the ordinances, by-laws, rules, or regulations of the same, such person may, if such judgment shall exceed the sum of five dollars, exclusive of costs, appeal to the next Court of Common Pleas, in and for the county of Erie: *Provided*, Such appellant shall enter into recognizance and be bound with one or more sufficient sureties in a sum sufficient to cover such judgment; and all costs that have accrued, or thereafter may accrue, conditioned that such defendant shall prosecute his appeal with effect: *And provided*, That such appeal be taken, recognizance be entered into and a transcript thereof filed in the prothonotary's office within twenty days after the

rendition of such judgment; and said city shall have a similar right of appeal on complying with the same conditions and provisions, if the payment of the mayor or justice shall be adverse to said city, in a similar amount.

SECTION 16. That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of James Dawling, of Jefferson county, for damages sustained on the Erie extension Pennsylvania canal, at or near Hartstown, Crawford county, and report the facts and the amount due him, if any, to the next Legislature. Canal Commissioners authorized to examine claim of James Dawling.

SECTION 17. That the Canal Commissioners be, and they hereby are authorized and required to examine the claim of John Nicholas, of Crawford county, for damages done to his land lying near the Conneaut reservoir, Shenango line of Pennsylvania canal, and report the facts and the amount, if any due him, to the Legislature. John Nicholas.

SECTION 18. That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of Porter and Smith, of Crawford county, for work done on the Erie extension, and ascertain and report to the Legislature the facts and the amount, if any, due said claimant under the terms of his contract. Porter & Smith.

SECTION 19. That the Canal Commissioners be, and they are hereby authorized and required to re-examine the claim of James White, of Crawford county, for damages sustained by the construction of the Erie extension Pennsylvania canal and reservoir, at or near Hartstown, Crawford county, and report the facts and amount due, if any, to the next Legislature. James White.

SECTION 20. That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of William Henry, of Crawford county, for damages sustained on the Erie extension Pennsylvania canal, and report the facts and the amount, if any due him, to the next Legislature. William Henry.

SECTION 21. That the Canal Commissioners be, and they are hereby authorized and required to examine the claims of Colt and Brobst, contractors on section number six, North Branch division of the Pennsylvania canal, and report the amount of damages sustained, together with the facts to the Legislature. Colt & Brobst.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 341.

AN ACT.

To incorporate the Byberry and Poquesink Turnpike Road Company, and relative to the publication of the final report on the geological survey of the State.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Watson Comley, Nathan Webster, Charles Walmsly, James Walton, Silas Tomlinson, Morton Warmesley, James Thornton, junior, Charles Martindale, Cilas Vanartensdalen, James Field, junior, Charles Gilbert, Thomas James, Barkley Brown, Samuel Kirk, and Richard Knight, of Philadelphia county, and George K. Johnson, Joseph P. Knight, Mahlon Vandegrift, Richard Holme, and Peter States, of Bucks county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name and title of "The Byberry and Poquesink Turnpike Road Company," with power to construct a turnpike road from the Byberry and Bensalem turnpike road at Watson Comley's corner, by Byberry meeting house, in Philadelphia county, to a bridge over Poquesink creek, near the house of Richard Knight, in said county, by the nearest and best route the stockholders may determine upon, subject to all the provisions and restrictions of "an act regulating turnpike road companies," passed the sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, except as relates to the artificial width of said road, hereby authorizing said company at their discretion to make said artificial road not less than ten feet nor more than eighteen feet in width.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. That the capital stock of said company shall consist of one hundred shares, at twenty-five dollars per share: *Provided,* The said company shall and may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act.
- Commencement and completion of road.** SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so much of the same as shall be necessary to wind up the affairs and pay the debts of the same.
- Secretary of the Commonwealth authorized to invite proposals for the publication of geological report.** SECTION 4. That the Secretary of the Commonwealth be, and he is hereby directed to invite and receive proposals for the publication in a form and style suitable to its character as an important, practical, and scientific work, the final geological report of Professor Rogers, with the accompanying maps, plates, cuts, and engravings, said proposals to stipulate for the execution of the work in a satisfactory manner, and within a period not exceeding four years from the date of the passage of the act authorizing the publication, and to provide for furnishing the State with one thousand copies complete, to be disposed of as a subsequent Legislature may direct; and also to provide that after the said one thousand copies of the work shall be delivered to the State, that the

copyright of the entire work shall revert to and vest in the publisher whose proposals shall or may be accepted.

SECTION 5. That whenever any proposal or proposals for the publication of said final geological report of a satisfactory character, and tendering adequate security for the faithful and diligent execution of the work shall have been received, it shall be the duty of the Secretary of the Commonwealth to notify the members of a joint committee to consist of two members of the Senate and two members of the House of Representatives, to be appointed by the respective Speakers of the Senate and House of Representatives as aforesaid, who shall after receiving such notice meet with the Secretary of the Commonwealth, all or a majority of whom shall have power to contract for the publication of said work, with such individual or individuals whose offer shall be by them considered to be the most favorable for the interests of the State and the proper execution of the work: *Provided*, That the publisher or publishers so contracted with shall enter into bonds with sufficient security for the faithful performance of all the stipulations of said contract within the period of four years from the passage of this act, including the delivery of the published copies as aforesaid at the office of the Secretary of the Commonwealth, without any liability on the part of the Commonwealth for any charges or expenses incident to said publication, either for editing, lithographing, engraving, or wood cutting, or for any revision or alterations in the text, or for any re-surveys or explorations or other out-door operations of any kind whatever: *And provided further*, That the sum so contracted for shall not exceed thirty-two thousand dollars, and that not more than twenty-four thousand dollars shall be drawn from the State Treasury until the contract is completed, or eight thousand dollars in any one year.

Secretary to
notify joint com-
mittee, &c.

Publishers to
give bond, &c.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 342.

AN ACT

Authorizing the laying out of a State road from near Rodenburgers' tavern, in Montour county, to Ladig and Lantzer's Mill, in Union township, Schuylkill county, and repealing certain State roads in Schuylkill and Columbia counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Breish, of Schuylkill county, Henry Shell, Esq., of Columbia* Commissioners.

- Location.** county, and Benjamin Wagner, of Montour county, be, and they are hereby appointed commissioners to view and lay out a State road commencing at the State road leading from the town of Cattawissa to the Centre turnpike near Rodenburgers' tavern, in Montour county, and to lead from thence by the nearest and best route to Ladig and Lantzer's Mill, in Union township, Schuylkill county.
- Duties.** SECTION 2. That it shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same on the nearest and best ground to a straight line, and in no place to exceed an elevation of five degree except at crossing ravines and streams where by a moderate excavation, filling, or bridging, the declination of said road may be preserved within that limit.
- Draft.** SECTION 3. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements and also the crossings of township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of September next, and one copy in the offices of the clerks of the courts of the respective counties in which the said road may be laid out on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.
- Mark route.** SECTION 4. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid in such manner as to enable the supervisors readily to find the same.
- Pay of commissioners.** SECTION 5. That the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents each for each day necessarily expended in the discharge of the duties enjoined by this act. And the said commissioners shall have to employ a surveyor to assist them in the discharge of their duties, who shall be allowed the sum of two dollars and fifty cents for each day necessarily employed according to the provisions of this act.
- Accounts.** SECTION 6. That the accounts of the said commissioners for their own pay and the pay of the surveyor shall be made out and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties on warrants drawn in the usual way.
- Meeting of commissioners.** SECTION 7. That the said commissioners shall meet on or before the third Monday in May next, or as soon thereafter as practicable, and complete the view of said road and such other duties as are enjoined upon them by this act.
- Repeal of certain act authorizing the laying out of a State road from Schuylkill township to Roaring Creek township.** SECTION 8. That all that part of the act of Assembly approved April third, A. D., one thousand eight hundred and fifty, entitled "An Act authorizing the laying out of a State road from Schuylkill township, in Schuylkill county, to Roaring Creek township, in Columbia county, relative to Lebanon Valley Railroad Company, and to President township, in Venango county," be, and the same is hereby repealed so far as it authorizes the laying out of a State road from Schuylkill township, in Schuylkill county, to Roaring Creek township, Columbia county,

and any road or roads that may have been laid out under the provisions of said act, be, and the same are hereby vacated as far as refer to Columbia county.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 343.

AN ACT

To incorporate the Beverly and Dunk's Ferry Steamboat Ferry Company, relative to the Bucks County Mining Company, to holding elections in the Fifth Ward in the district of Moyamensing, to an alley in the district of the Northern Liberties, to the collection of taxes for road purposes in Plymouth township, Luzerne county, and to the sale of certain real estate of Benjamin Baldorff.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of this Commonwealth be, and the same is hereby given to the provisions mentioned and contained in an act of the Legislature of the State of New Jersey, passed March the eighteenth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the Beverly and Dunk's Ferry Steamboat Ferry Company;" and the said act of the State of New Jersey is hereby adopted, ratified, and confirmed by this Commonwealth, and the provisions thereof shall be in full force and effect within this Commonwealth: and the said act shall be annexed to this act, and be published in the same manner as the laws usually are.

Assent of the Commonwealth given to a certain act of the Legislature of New Jersey.

SECTION 2. That said company shall have the same powers and privileges on the shore of the river Delaware, in Bucks county, Pennsylvania, opposite to the borough of Beverly, that this said act gives to said company within the said borough of Beverly, for the purposes therein expressed: *Provided,* That nothing herein shall be construed to confer upon the said company any banking privileges, or to consent thereto under any construction of this act of the State of New Jersey concurred in.

Privileges.

SECTION 3. That nothing in an act entitled "An Act to incorporate the Bucks County Mining Company, and relative to the claim of George Morton," approved May the fifteenth, eighteen hundred and fifty, shall be construed to confer on the said company manufacturing privileges.

Manufacturing privileges prohibited.

SECTION 4. That from and after the passage of this act, the qualified voters of the Fifth Ward in the district of Moyamensing, in the county of Philadelphia, shall hold their general and district and ward

elections at the house of Christian Heishley, on Gray's Ferry road above Christian street, in said ward.

Certain alley in the Northern Liberties vacated.

SECTION 5. That a certain ten-foot wide lane or alley way running from Delaware Front street to Water street, in the incorporated district of the Northern Liberties, in the county of Philadelphia, the distance of two hundred and thirty-eight feet southward from the south side of Callowhill street, between lots belonging to John C. Allen and the estate of Rachel Harper, deceased, be, and the same is hereby vacated and made void.

Plymouth township, Luzerne county, repeal of certain act relating to.

SECTION 6. That the sixth section of an act entitled "An Act to lay out a State road from the borough of Newcastle to the road leading from Edinburg to Mahoningtown, at a point where said road crosses the line between Beaver and Mercer counties, and for other purposes," approved the third day of March, one thousand eight hundred and forty-seven, be, and the same is hereby repealed.

Benjamin Batdorf, relative to real estate of.

SECTION 7. That Peter Batdorf and Daniel Dearwechter, trustees and committee appointed by the Court of Common Pleas of Lebanon county, of Benjamin Baltdorff, in the room and stead of Leonard Innuel, be, and they are hereby authorized to make sale of the real estate purchased by the said *Leonard Innuel*, late committee of *Benjamin Batdorf*, under and by virtue of the second section of the act passed seventh of April, eighteen hundred and forty-five, pamphlet laws, page 310, 311, and to convey the same to the purchaser or purchasers in fee simple, discharged from said trust. And the moneys arising from said sale, after deducting reasonable costs and expenses, to be held by the said Peter Batdorf and *Daniel Dearwechter*, under and subject to the same trusts and conditions and to pass and descend in the same manner as specified in the said second section of the act of seventh April eighteen hundred and forty-five: *Provided*, That before the payment of the purchase money the Court of Common Pleas of Lebanon county shall approve of such sales, which approval shall be endorsed on the deed or deeds of conveyance.

Canal Commissioners authorized to examine claim of Christian Mayer.

SECTION 8. That the Canal Commissioners be, and they are hereby authorized and requested to examine the premises of Christian Mayer, situate in the borough of Columbia, in Lancaster county, and ascertain what damages, if any, he has sustained, *if any*, in the construction and location of the Philadelphia and Columbia railroad, and make report thereof to the next *Legislator*.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 344.

AN ACT

To incorporate the Anderson Library Association of the city of Allegheny, relative to the estates of Matilda Elliott, Mary M. Breckenridge, and Thomas Reeves, junior, to the Allegheny and Manchester Plank Road Company, to a bridge at Tarentum, and to the school district of Lewistown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That such persons as are or hereafter may become, in the manner hereinafter prescribed, members of a certain library association, at present existing in Allegheny, be, and they are hereby constituted a body politic and corporate, by the name, style, and title, of "The Anderson Library Association of the City of Allegheny;" and by that name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in any court of competent jurisdiction; and shall be able to purchase, receive, have, hold, and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, rights and credits, of what nature or estate soever, and the same, or any part or parts thereof to sell, alien, or dispose of; and therefor when sold, aliened, or disposed of, to execute according to law good and sufficient instruments of conveyances or assurances, and generally to make all and any contracts requisite to the good management of the said library, with power also to make such by-laws and regulations as to them may seem necessary for the like good management of the said library and the government of the said company, and to make and have a common seal, and the same to renew at pleasure: *Provided*, That the estate had and enjoyed by the said company do and shall not yield a clear annual income or profit of more than three thousand dollars: *And also provided*, That the by-laws and regulations which may be made by the said company be not inconsistent with the Constitution or laws of the United States or of this Commonwealth.

SECTION 2. That the officers of said association shall consist of a president, a vice president, a treasurer, a secretary, and a board of twelve managers, who shall be elected annually—nine of whom shall be chosen by the members of the association, and three by the councils of the city of Allegheny: *Provided*, That the present officers of said association shall continue in office until the next annual election.

SECTION 3. That the said association shall hold at least one stated meeting in each and every year, at such time and place as shall be designated by the by-laws, at which the officers aforesaid shall be elected: and it shall be the duty of the president to call a special meeting of the association at any time when requested so to do by any five members; and four days' notice shall be given in at least one newspaper published in said city or the city of Pittsburgh, of the time and place of holding any and all meetings of said association. And in case of an omission to hold any stated meeting as aforesaid, the officers for the time being shall continue in their respective offices until an election be had. And it shall be the duty of the president to convene a meeting of said asso-

ciation so soon after such omission occurs as may be practicable, at which an election for the officers aforesaid shall be made.

Duty of the president.

SECTION 4. That it shall be the duty of the president of the association hereby incorporated to preside in all the meetings thereof, and to subscribe all its acts and proceedings in all questions (except when a ballot is taken); where an equal division of votes occurs to decide by a casting vote, to call meetings as hereinbefore prescribed, and to cause the due notices thereof to be given; and in case of the absence of the president from any meeting, it shall be the duty of the vice president to preside therein; and in case the president vacate his office, or be absent or unable to serve for any time, the vice president shall perform the duties thereof; and in case the president and vice president are both absent from any meeting, a president pro tempore shall be appointed to preside therein.

Treasurer.

SECTION 5. That it shall be the duty of the treasurer to collect, receive, and keep in trust, all moneys owing, paid, or belonging thereto, and to pay all the orders thereof, or of the said board of managers; he shall annually, or oftener if required, lay before the said company and before the said board of managers a correct statement of the funds of the said association; and before entering upon the execution of his office shall enter into a bond to the said company in such sum and with such security or securities as shall be approved of by the said board, conditioned for the faithful performance of the duties of his said office.

Secretary.

SECTION 6. That it shall be the duty of the secretary to keep fair and correct minutes and records of the proceedings and acts thereof, to preserve all the papers and documents thereto belonging which may be committed to his charge, and to give the aforesaid public notices of the meetings of the said company.

Board of managers.

SECTION 7. That it shall be the duty of the said board of managers to purchase and receive such books as they may think proper for the said library, to appoint a librarian, to provide all things necessary to carry into effect the object of the company hereby incorporated, and of this act, and to pay all the expenditures incurred in and about the premises: *Provided*, That no book of an immoral or otherwise injurious tendency be purchased or received by the said board, or in any manner admitted into the said library. And it shall be the duty of the said board to meet at least once in every month to supply any vacancy therein, to enact rules, regulations, and by-laws for the government thereof and of the said library, to keep regular minutes of their proceedings, and the same to exhibit when required to the said association, to make an annual report of the state of the said library and the use made thereof, and generally to superintend its concerns, *Provided*, That the said rules and regulations are not inconsistent with the Constitution and laws of the United States or of this Commonwealth, or with any part of this act.

Books.

SECTION 8. That the books composing the said library shall be loaned to such apprentices, and at the discretion of the managers to such other persons as shall furnish satisfactory security for the safe and punctual return of the same, and for the payment of such fines as may be incurred by default, and for whatever loss or injury may be sustained in the books so loaned

New members.

SECTION 9. That new members shall be elected or admitted into the said association by the said board of managers in such manner as shall be provided by the by-laws. Every member of said association shall pay such annual contributions as shall be prescribed by the by-laws, except such as shall at any one time pay the sum of twenty-five dollars, who shall by reason of said sum paid be considered members for life, and be

exempt from the said annual contribution. And if any member liable to pay the said annual contribution fail to pay the same for two years, he shall, upon its appearing that the same was demanded of him, forfeit his right of membership.

SECTION 10. That William Eichbaum, of Allegheny county, committee of the person and estate of Matilda Elliott, a lunatic, be, and is hereby authorized and fully empowered to grant, bargain and sell, alien, enfeof, release, convey, and confirm to any person or persons all or any part of the estate of the said lunatic, for any price or consideration he may deem just and right, and to make partition of the same or any part thereof, and to sell or purchase any part thereof, either before or after partition, for such price and such time as he may deem right, and to agree to any partition or make the same amicably and without the intervention of the court; and that any deed or bargain made by him or under his authority, properly executed, shall be firm and effectual, and convey all the estate of the said lunatic, her heirs, &c., and be firm and stable forever.

Committee of Matilda Elliott, a lunatic, authorized to sell certain real estate.

SECTION 11. That the authority and powers conferred upon Charles S. Bradford, trustee of Mary M. Brackenridge, by act passed the twenty-third day of January, one thousand eight hundred and forty-six, shall be executed and completed by the present trustee or any legally-constituted successor of said trustee, as fully as if said successor had been named in the said act.

Trustee of Mary M. Brackenridge, powers of.

SECTION 12. That the Allegheny and Manchester Plank Road Company be, and they are hereby authorized to collect tolls upon their road so soon as the same is completed to Wood's run.

Tolls on the Allegheny and Manchester plank road Company.

WHEREAS, Thomas Reeves, jr., of the city of Philadelphia, lately died seised inter alia of certain real estate situate within this Commonwealth, having first made his last will and testament in writing, whereby he devised an undivided portion to his daughters Mary, then and still intermarried with Alexander W. Reynolds, Hannah S., then and still intermarried with William P. Craig, Cordelia E., since intermarried Benjamin M. Ash, who is deceased, Matilda, since intermarried with J. Harrison Sewall, who still survives, and Josephine, who is yet sole and unmarried, to hold to them respectively as tenants in common, in fee simple, for their sole and separate use, with power however to his executors to sell and convey so much of his real estate as in their opinion might be necessary for the payment of his debts: *And whereas*, Under the authority aforesaid sundry sales have been made by the executors of the said Thomas Reeves, jr., resulting in a probable surplus over and above the amount required to pay the debts of the said Thomas: *And whereas*, An amicable partition hath been since had through the agency and intervention of Eli K. Price, surviving executor of so much of the remaining real estate of the said Thomas as is located within the city and county of Philadelphia, and it is represented that it would be greatly and manifestly for the interest of the said devisees that the property so devised to them respectively, divided and undivided, should be sold, and together with their respective interests in the surplus aforesaid re-invested for their several and respective uses, but that doubts are entertained whether under the terms of the said will they are competent to sell and convey their respective interests in the divided and undivided real estate aforesaid, so as to make good and perfect titles thereto, and to receive the said surplus; therefore,

Preamble.

SECTION 13. That it shall and may be lawful for the above-named devisees, whether covert or sole, and they are hereby respectively authorized and empowered to demand and receive their several and respective shares of the surplus moneys, if any, arising from the sales of real

Thomas Reeves, jr., relative to real estate of.

estate so made as aforesaid: *And further*, To sell and convey the whole, or any portion or portions of the real estate, divided or undivided as aforesaid, of the said Thomas Reeves, jr., so devised to them respectively as aforesaid in fee simple, absolutely or with reservations, and of ground rents thereupon, and to make and execute good and sufficient conveyances thereof, with like force and effect as though they were respectively sole and unmarried, and to execute receipts to the person or persons receiving said surplus moneys from the purchaser or purchasers; and the proceeds of such sale or sales as well as the surplus moneys above described, to invest and re-invest from time to time in lands, stocks, or other securities, as they may judge expedient, upon the same uses, however, on which the said real estate was originally held by them respectively under the will of their said ancestor as aforesaid; the husbands of such as are covert for the time being assenting thereto, and signifying their concurrence by writing in the said conveyance so to be made by any of the above-named devisees: *Provided*, That purchasers of real estate aforesaid, and persons paying over the surplus moneys, shall not be liable to see to the application of the said purchase or other moneys.

Provisions of certain act not to be applicable to the rights of said devisees.

SECTION 14. That the provisions of the eleventh section of the act entitled "An Act relating to the bail of executrixes, &c.," passed the twenty-fifth day of April, A. D., one thousand eight hundred and fifty, shall in no way be made applicable to the rights of *of* the aforesaid devisees without their consent.

Further provisions relative to aid devisees.

SECTION 15. That the purchasers of any real estate, stocks, or other securities now in or which may hereafter come into the possession of said devisees as owners thereof, as also the person or persons in whose hands said moneys shall be paid, shall in no way be liable to see to the application of the purchase money or surplus as aforesaid; *and that any inconsistent herewith be, the same* are hereby repealed.

Bridge at Tarentum, relative to.

SECTION 16. That the Canal Commissioners are hereby authorized to allow to the individuals who contributed, in the Fall of one thousand eight hundred and fifty, to the erection of a bridge over the Pennsylvania canal where the public road crosses said canal in the borough of Tarentum, Allegheny county, whatever amount said commissioners shall believe to be the of said bridge: *Provided*, That the amount shall not exceed one hundred and thirty-nine dollars, to be paid out of the appropriation for road bridges for eighteen hundred fifty-one.

James Allison authorized to send his children to the public schools of Lewistown.

SECTION 17. That the school directors of the borough of Lewistown are hereby authorized and required to permit James Allison to send his children to the public schools of said borough.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 345.

AN ACT

Incorporating a company to erect a plank road from Wilkesbarre to Providence, in Luzerne county, relative to the limits of the town of Bloomsburg, to judicial proceedings in Columbia county, to change the name of William Richey to William Mann, extending a certain act concerning tin and clock pedlars to Bradford county, and relative to certain road taxes in Clinton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Peter M'Gilechrist, Charles A. Land, Luther Kidder, Samuel P. Col-
 lings, Washington Lee, Jr., Jonathan J. Slocum, Henry M. Fuller, George M. Hollenback, Charles F. Ingham, Charles Denison, Samuel Holland, William S. Reddin, James Mott, Samuel Benedict, John Blanchard, Nathaniel Cotterill, Charles Drake, John Stewart, Selden T. Seranton, Jacob R. Bloom, of Luzerne county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Wilkes-
 barre and Providence Plank Road Company," with power to construct a plank or turnpike road from the borough of Wilkesbarre to the town-
 ship of Providence by the nearest and best route or routes as the stock-
 holders may determine upon, subject to all the provisions and restric-
 tion of "An Act regulating turnpike and plank road companies," ap-
 proved the twenty-sixth day of January, one thousand eight hundred
 and forty-nine, and the several supplements thereto, excepting that por-
 tion of the thirteenth section of said act relating to tolls which discrimi-
 nate in favor of wheels of the width of four inches and upwards. And
 the company hereby incorporated shall have power to regulate their
 tolls within the limits prescribed by the said thirteenth section, without
 reference to the width of wheels in any case.

SECTION 2. That the capital stock of said company shall consist of
 ten thousand shares, of twenty-five dollars each: *Provided*, That said
 company may from time to time, by a vote of the stockholders at a
 meeting called for that purpose, increase their capital stock so much as
 in their opinion may be necessary to complete the road or roads, and to
 carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construc-
 tion of their road within three years after the passage of this act, and
 complete the same within ten years thereafter, this act shall be null
 and void, except so far as the same may be necessary to wind up the
 affairs and pay the debts of said company.

SECTION 4. That the limits of the town of Bloomsburg, Columbia
 county, are hereby extended so as to include Hopkinsville and Barton's
 addition adjoining said town. And the various provisions of law now in
 force as to said town and to streets and alleys therein shall continue in
 force and extent to said town with its enlarged boundaries.

SECTION 5. That the Orphans' Court of Columbia county, upon the
 petition of Mary Fortner, intermarried with Benjamin P. Fortner, shall
 have power to appoint any person nominated by her as trustee, to re-

Commissioners.

Style.

Location.

Subject to pro-
visions of cer-
tain act.

Capital stock.

Commencement
and completion
of road.Limits of
Bloomsburg,
Columbia coun-
ty, extended.Trustee author-
ized to be ap-
pointed for Mary
Fortner.

ceive any funds due or to become due to her under the will of her father John P. Davis, deceased, and to direct the said trustee to invest such funds in such securities and on such terms as the said court may judge expedient; or upon security being given to the satisfaction of said court by said trustee, to direct that the said funds be held at interest by said trustee, and the proceeds thereof applied in accordance with the provisions of the said will: *Provided*, That any decree of the said court as to the investment of the said funds or otherwise in relation thereto, shall not contravene any provisions of the said will.

Actions of partition in the court of Common Pleas of Columbia county, relative to.

SECTION 6. That all proceedings heretofore had in the Courts of Common Pleas and Orphans' Court of Columbia county, in relation to actions of partition or other judicial proceedings, and all sales of real or personal estate upon any writ or process issuing out of said courts in any case where the courts and officers of Montour county would now have jurisdiction, shall be held and be deemed to be firm and effectual, anything in the act erecting the new county of Montour to the contrary notwithstanding.

Relative to liens of judgments, mortgages, &c., in said county.

SECTION 7. That the lien of any judgment, mortgage, recognizance, or other record security entered in any of the courts or offices of Columbia county prior to the organization of Montour county, shall not be affected or impaired by the erection or organization of the said new county of Montour.

William Richey, name changed.

SECTION 8. That the name of William Richey, of Columbia county, is hereby changed to William Mann, and by the said name of William Mann he shall be hereafter known, and be capable of suing and being sued, receiving and conveying property, inheriting any estate, or to do and perform all such things by the said name as if it had been his proper name heretofore by nativity and repute.

Provisions of certain act relative to pedlars extended to Bradford county.

SECTION 9. That the provisions of the seventh section of the act among other things entitled "An Act supplementary to an act regulating tin and clock pedlars, so far as the same relates to the granting of licenses in Susquehanna county," be, and the same are hereby extended to the county of Bradford. And the Courts of Quarter Sessions of Bradford county may grant licenses in said county in the same manner as the said section authorizes to be done in the county of Susquehanna.

Road taxes in Clinton county, relative to.

SECTION 10. That from and after the passage of this act, the supervisors of Coalbrook, Chapman, Keating, Grove, Leidy, and Lumber townships, in Clinton county, entitled to receive from the treasurer of said county any moneys collected on unseated land, or otherwise, as road funds, shall give security in double the amount received, which security shall be approved of by the prothonotary of said county before the money shall be paid by the county treasurer to any such supervisor or supervisors.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 346.

AN ACT

To incorporate the Keystone Mining Company, and relative to the estate of George Andes and Christiana his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John W. Tilford, George and R. Hazewell, and their associates, successors, and assigns, are hereby created and constituted a body politic and corporate, by the name, style, and title, of "The Keystone Mining Company," for the purpose of exploring for copper, lead, iron, and other metals or minerals, and for mining, vending, smelting, and working the same, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any courts of law and equity whatsoever in all suits and actions, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations, and may purchase, hold, and convey real and personal estate to an amount not exceeding two hundred thousand dollars.

SECTION 2. That the first meeting of said corporation may be called by the persons named in this act at such time and place in the city of Philadelphia as may be agreed upon by the persons named in this act; and at said meeting and at all other meetings legally notified, said corporation may make, alter, and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State and of the United States.

SECTION 3. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient. And whenever said company shall by purchase, lease, or otherwise, become possessed of any mine or mines without the limits of this State, the directors of said company may make a separate and distinct interest of each mine, and divide said interest into such number of shares as they deem expedient, not exceeding in amount one hundred thousand dollars for any one mine; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in any of the said mines, in such manner as the by-laws may direct.

SECTION 4. That it shall be the duty of the directors of said company to have regular books of record and transfer kept by the secretary or treasurer thereof at all times open to the inspection of the stockholders.

SECTION 5. That this act shall take effect from and after its passage.

SECTION 6. That the said company shall be required to pay to the State Treasurer for the use of the Commonwealth a tax of one per centum upon the capital stock thereof, to be paid in four annual instalments, the first to be paid at the expiration of six months after this act of incorporation shall go into effect, the remaining instalments at intervals of twelve months each.

Committee appointed for Christiana Andes.

SECTION 7. That Jacob Rheen, of the borough of Strasburg, Lancaster county, be, and he is hereby appointed a committee of Christiana Andes, wife of George Andes, of Strasburg township, in said county, a lunatic, and that the said George Andes and Jacob Rheen be, and they are hereby authorized to sell and convey, in fee simple, all that certain tract of land with the improvements thereon erected which the said George Andes purchased at public sale of the administrator of Jacob Andes, deceased; and such sale and title shall be as valid and effectual, to all intents and purposes, as if the said George Andes and Christiana his wife were citizens of the United States, and the said title were executed by the wife of the said Andes: *Provided*, That when the said title shall have been executed by the said Jacob Rheen, his duties, rights, and privileges as committee of the said Christiana shall cease and determine: *And provided also*, Any such deed or deeds shall be adjudged available in law to convey the estate of the said George Andes free of dower, the said Christiana Andes shall be duly declared by the Court of Common Pleas of Lancaster county a lunatic, in which case the said Jacob Rheen may be appointed committee of the person and estate of the said Christiana: *Provided further*, That this act shall not be so construed as to give the said Jacob Rheen any authority to sell the separate property of the said Christiana, or extend beyond such lunacy to her right of dower.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 347.

AN ACT

To provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the qualified electors of each of the several counties of this Commonwealth shall at the next general election, at the times and places of electing representatives, and whenever it shall thereafter become necessary for an election under this act, and under the Constitution of this Commonwealth, vote for five persons at the first election, and at every election thereafter as many as shall be necessary under the provisions hereof, to serve as judges of the Supreme Court of this Commonwealth, one person to serve as president judge of the judicial district in which

Election of judges of the Supreme Court, and president and associate judges.

such county shall lie, and two persons to serve as associate judges of the several courts of such county.

SECTION 2. That the qualified electors residing within the jurisdiction of any district court or other court of record now existing or hereafter to be created by law, shall at the next general election, and whenever thereafter the same shall be necessary, at the times and places for holding such election within their respective election districts, vote for one person for president judge of such court and as many persons for associate judges thereof as shall be required by law.

Election of president and associate judges.

SECTION 3. That the judges of the Supreme Court and the president judges of all other courts of record and the associate judges of the District Court and the Court of Common Pleas of the city and county of Philadelphia and the District Court of the county of Allegheny, shall be learned in the law, and all the aforesaid judges shall be qualified electors of this Commonwealth, and shall be otherwise qualified as required by the second section of the fifth article of the Constitution of this Commonwealth.

Judges of the Supreme Court, and president judges to be learned in the law.

SECTION 4. That the election for judges shall be held and conducted in the several election districts in the same manner in all respects as elections for representatives are or shall be held and conducted, and by the same judges, inspectors, and other officers; and the provisions of the act of the general assembly entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, one thousand eight hundred and thirty-nine, and its several supplements, and all other like laws, as far as the same shall be in force and applicable, shall be deemed and taken to apply to the elections for judges: *Provided*, That the aforesaid electors shall vote for judges of the Supreme Court on a separate piece of paper, and for all other judges required to be learned in the law on another separate piece of paper.

Mode of conducting elections.

SECTION 5. That at a meeting of the return judges of the several election districts in each county provided for by the act hereinbefore cited, duplicate returns of all the votes given in such county for judges of the Supreme Court, and all judges which the qualified voters of such county are entitled to elect of themselves unconnected with any other county or district, shall be made out by the clerks of the board of return judges, one of which returns the president of said board shall forthwith lodge in the office of the prothonotary of the Court of Common Pleas of such county and the other he shall enclose in an envelope, which envelope he shall seal and direct to the Secretary of the Commonwealth and place in the nearest post office.

Returns of election.

SECTION 6. That in the case of the election of president judge of any judicial district composed of two or more counties at the meeting of the return judges in each of such counties, the clerks aforesaid shall make out a fair statement of all the votes which shall have been given at such election within the county for every person voted for as such president judge, which shall be signed by said judges and attested by the clerks; and one of said judges shall take charge of such statement and shall produce the same at a meeting of one judge from each of said counties, which meeting shall be held on the seventh day after the election at the court house of one of the counties, to be fixed by taking such counties alternately in their alphabetical order.

Further provisions in case where district is composed of two or more counties.

SECTION 7. That the judges of the several counties having so met shall cast up the several county returns and make a sufficient number of copies of a general return of all the votes given for such office in said district, all of which they shall certify, and one of which they shall lodge forthwith in the office of the prothonotary of the Court of Common Pleas of each of said counties, and one of which they shall

General return.

enclose, seal, and direct to the Secretary of the Commonwealth, in the manner prescribed by the fifth section of this act.

Board of return judges.

SECTION 8. That in the case of the election of any judge of any court of record now existing or hereafter to be created, having jurisdiction over territory lying within and not including all of any county, the return judges of the several election districts within such territory shall constitute a board of return judges with respect to such election, and shall at the time and place of the meeting of the return judges of such county proceed in all respects in relation to such election as is required of the county board in the sixth section hereof, except that they shall lodge one of the duplicate returns in the office of the clerk of said court instead of that of the prothonotary of the Court of Common Pleas.

Secretary of the Commonwealth to cause the returns of votes cast for judges of the Supreme Court to be opened in the presence of the Governor, &c.

SECTION 9. That on the first Tuesday in November next following any election authorized by this act, the Secretary of the Commonwealth shall in the hall of the House of Representatives, in the presence of the Governor and such other citizens of this Commonwealth as may choose to attend, cause the returns made to him under the provisions hereof to be opened, and the votes cast for judges of the Supreme Court to be accurately computed, and the Governor shall forthwith issue his proclamation declaring so many of the persons voted for for judges of the Supreme Court as shall be required to be elected by this act, and who have received the greatest number of votes, to be duly elected.

Ballot of judges for term of office.

SECTION 10. That the five persons so declared to be elected at the first election shall meet on the tenth day after the day last above mentioned at the place for holding the Supreme Court at Harrisburg, and shall cause five ballots containing the words "three years," "six years," "nine years," "twelve years," and "fifteen years," respectively to be put into a box, and shall each severally draw therefrom one ballot, the words upon which shall designate his term of office, and they shall certify the result of such balloting to the Governor.

Commissioners.

SECTION 11. That as soon as practicable after the first Tuesday in November next following any election of judges, the Governor shall grant the persons elected respectively commissions as now required by law to hold their respective offices from and after the first Monday in December next following such election, for and during their respective terms of office as prescribed and limited by the second section of the fifth article of the Constitution of this Commonwealth.

Vacancies how supplied.

SECTION 12. That in the event of any vacancy occurring in any judgeship in this Commonwealth by death, resignation, removal from office, the failure to elect or otherwise, the Governor shall appoint some suitable person to fill such vacancy until the first Monday in December following the next general election; and the qualified electors shall at the first general election which shall happen more than three calendar months after the vacancy shall occur, elect in the manner hereinbefore provided a suitable person to such office for the unexpired term in the case of a judgeship of the Supreme Court, and for the full term of office in case of any other judgeship.

Elections may be contested.

SECTION 13. That the election of any person as judge of the Supreme Court or other judge required to be learned in the law, may be contested on the petition of the qualified voters of this Commonwealth or of the proper district, by the same tribunal and in the same manner and under the same regulations and restrictions prescribed by the act hereinbefore cited for contesting the election of any person as Governor of this Commonwealth.

Jurisdiction of Courts of Quarter Sessions.

SECTION 14. That the Court of Quarter Sessions of every county shall have jurisdiction to hear and determine all cases in which the

election of any person as associate judge shall be contested: *Provided*, That no judge of any court shall sit as judge thereof during the contest of his own election.

SECTION 15. That upon the petition in writing of at least twenty qualified electors of the proper county, verified by the affidavit of at least two of the petitioners, complaining of an undue election or false return of any person as associate judge of any court, the court having jurisdiction shall appoint a suitable time for hearing such complaint, notice of which shall be given to the person returned as elected at least ten days before such hearing; and such court shall have all the powers in the premises conferred upon the Courts of Quarter Sessions by the act hereinbefore cited for the trying of cases of contested elections of county and township officers.

SECTION 16. That from and after the passage of this act, the counties of Luzerne, Wyoming, Montour, and Columbia, shall constitute the eleventh judicial district; the counties of Bradford, Susquehanna, and Sullivan, shall constitute the thirteenth judicial district; the counties of Northumberland, Lycoming, Centre, and Clinton, shall constitute the eighth judicial district; the counties of Tioga, Potter, M'Kean, Elk, and Clearfield, shall constitute the fourth judicial district; and the county of Forrest, when organized for judicial purposes, shall be attached to the eighteenth judicial district: *Provided*, That the several judges now authorized to hold courts in the several counties above named shall continue to hold the same as heretofore until the first Monday of December next.

Eleventh Judicial district.

Thirteenth Judicial district.

Eighth Judicial district.

Fourth Judicial district.

Forest county attached to the Eighteenth Judicial district.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 348.

AN ACT

To incorporate the president and managers of the Byberry and Andalusia Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Charles Comley, Emor Comley, Lewis Rumford, John Bowman, Ebenezzer Knight, Joseph Ashton, Samuel Smedly, George W. De Haven, Jonathan Comley, Elisha Newbold, and Joshua Newbold, of Philadelphia county, and Jacob Hall, Samuel Thomas, Jonathan Thomas, Charles W. Harrison, and Edward Thomas, of Bucks county, be, and they are hereby Commissioners.

appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Byberry and Andalusia Turnpike Road Company," with power to construct a turnpike from or near the house of Silas Vanartsdalin, at a point on the Byberry and Poquessing turnpike road to a bridge over the Poquessing creek, in Philadelphia county, near the Red Lion tavern on the Bristol turnpike, by the nearest and best route as the stockholders may determine upon, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, except as relates to the artificial width of said road, hereby authorizing said company at their discretion to make said artificial road not less than fourteen feet or more than eighteen feet in width.

Capital stock. SECTION 2. That the capital stock of said company shall consist of one hundred shares, of twenty-five dollars each: *Provided*, That said company shall and may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so much of the same as may be necessary to wind up the affairs and pay the debts of said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 349.

AN ACT

Supplementary to the act to incorporate the Hollidaysburg and Bedford Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Hollidaysburg and Bedford Plank Road Company is hereby authorized and empowered, if it shall deem proper to do so, to make and construct a branch of its road from, at, or near the bridge across the branch of the Juniata river below the town of Freedom, in the county of Blair, to the town of Martinsburg, in said county, and thence to or near the

towns of Woodberry and Pattonville, in Bedford county, or any part thereof, in like manner and with like powers and privileges as exist in regard to the main line of said road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 350.

AN ACT

To incorporate the Bald Eagle Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James A. Crawford, James W. Quiggle, Wilson Montgomery, James Fearon, Jacob Dice, L. A. Mackey, John Fleming, D. K. Jackman, Simon Scott, Philip Krebs, Allison White, and Samuel L. Allison, of the county of Clinton, be, and they are hereby created commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in a paper printed in Clinton county, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners or some one of them by each subscriber, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and managers of the company may direct.

SECTION 2. When thirty shall have been subscribed, the persons holding the same are hereby created and corporated into a company by the name and title of "The Bald Eagle Bridge Company," and by that name those who have subscribed and those that may thereafter subscribe shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge, or their successors in fee simple, any real or personal estate necessary for the erection of said bridge, and the sell and dispose of at their pleasure, and of suing and being sued, pleading and being pleaded, in all courts of justice.

SECTION 3. That the capital stock of said company shall not exceed Capital stock.

two thousand dollars; and the capital stock of said company shall be divided into shares of ten dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such period and in such instalments as the directors of said company may order or determine.

Organization.

SECTION 4. As soon as thirty shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Clinton county of the time and place of a meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, five directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this Commonwealth for the well-ordering of the affairs of said company and fixing upon the site or location of said bridge. And each stockholder shall be entitled to one vote for each share of stock *by him or held* at the time of such election; and the stockholders shall meet on the first Monday in January in every year at such place as shall be fixed on by the president and directors for the purpose of electing officers for the ensuing year.

Certificates of stock.

Transferable.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificate shall be transferable at the pleasure of the holder in person or attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company, in proportion to the number of shares by them held to vote at the meetings thereof as aforesaid. And the president and directors shall meet at such times and places as shall be agreed on for the transaction of business; at such meetings three members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, and agents, as they shall think necessary, to construct a bridge across the Bald Eagle creek, at or near the dwelling house of William Straub, in Allison township, Clinton county, and to complete the same and fix salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and do and transact all things by this act and the by-laws or regulations of the company that may be lawful.

Entry upon lands.

SECTION 6. It shall be lawful for the president and directors, their superintendents, engineers, and workmen, to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, or dig gravel, quarry stone, or gather sand necessary for building said bridge; also to enter thereon with wagons, carts, sleighs, or beasts of burden or draft, and take and carry off any material necessary for the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done; which damage if the parties cannot agree shall be submitted to the decision of three disinterested freeholders chosen by the parties; and if

the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choices, then said freeholders shall on application be appointed by any justice of the peace within the county, who after being sworn or affirmed, shall assess or praise the damage and make report thereof to the justice of the peace who appointed them; and the said directors or other persons by them employed, after the tender of the appraised value to the owner, may enter, chop, dig, quarry, carry off, any material necessary in the building or repairing said bridge: *Provided*, That either party shall have the right to appeal to the Court of Common Pleas of said county from the award of said assessors of damages: *And provided further*, That said company shall not take possession of or use any private property without first making compensation to the owner, or giving adequate security therefor.

Damages.

SECTION 7. That the president and directors of the said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act, and also of all moneys by them expended and all voluntary contributions to said company, and shall at least once a-year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

Accounts.

SECTION 8. When a good and complete bridge is erected over the said Bald Eagle creek at the place aforesaid, the company, their successors or assigns, may demand and receive tolls from travelers and others crossing the same at the following rates: For every score of sheep four cents, for every score of hogs six and a fourth cents, for every score of horn cattle twelve and a-half cents, and so on in this proportion for greater numbers; for every horse or mule laden or unladen with rider five cents, for every chair, chaise, or sulky, with two wheels and one horse ten cents, the same with two horse fifteen cents, for every dear-born wagon with one horse ten cents, for every chaise, coach, phaeton, chair, stage, wagon, coachee, or light wagon with four wheels and two horses fifteen cents, for either of the last-named carriages or vehicles with four horses twenty cents, for every other carriage of pleasure, under whatever name it may go, the like sums of toll according to the number of wheels or horses drawing the same; for every sled or sleigh five cents for each horse drawing the same, for every cart, wagon, or carriage of burden, five cents for each horse drawing the same, and two oxen shall be rated as one horse or mule; for every foot-passenger crossing the bridge two cents; and they shall cause to be put and kept up in some conspicuous place at the gates of said bridge a list of the rates of toll: *And provided*, That the bridge shall be so constructed so as not to injure or obstruct in any manner the navigation of said creek.

Toll.

SECTION 9. That if any person shall wilfully cut, destroy, or break, or remove from off said bridge or any part thereof, any piece of timber, stone, plank, chains, bolt, or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence over and above the damage done to said bridge the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof.

Penalty for injuries.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportion of said income as may by them be deemed necessary for a growing fund for repairing or rebuilding said bridge; and shall on the first Monday of

Accounts of toll.

January in each year publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all the expense of building and constructing said bridge shall be fully paid.

Commence-
ment of bridge.

SECTION 11. Said company shall commence the construction of said bridge within two years from the passage of this act, and complete the same within six, or therein the privileges hereby granted shall revert to the Commonwealth.

Transfer of
bridge.

SECTION 12. That whenever the commissioners of the county of Clinton, shall pay or cause to be paid to the said Bald Eagle Bridge Company the costs and expenses incurred in the construction and repairs of said bridge, with interest on the same at the rate of six per cent. per annum, then it shall be the duty of the president and directors of said company to transfer to the county of Clinton the said bridge when the same shall belong to and be kept in repair by said county, as a county bridge free of toll.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

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No. 351.

AN ACT

To incorporate the Spring Creek and Greene Plank Road Company, relative to the courts in Columbia county, to certain soldiers and widows of soldiers and to prison inspectors of Lancaster county.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Gray, John Kincaide, Joseph Terry, J. D. Smith, M. A. Gray, L. S. Spencer, and Watson Miller, of Wayne, J. A. Hill, Truman Stewart, Jason Hatch, William Hatch, Eli Norton, Eli Duncombe, William A. Donaldson, Perry Preston, of Amity, John Williams, William Ellison, Timothy Butler, of Venango, Zacheus Morton, of Waterford, Joseph Patterson and M. J. Kennedy, of Greene, James Crowell, Robert Heath, Simon Stewart, Joel M. Fay, B. Beebe, Heman Heath, and Hiram Cook, of Concord, Erie county, and Josiah Deming, William M'Clay, Abram Wooden, Eleazer Akins, John Evers, W. H. Deming, Uriah Jackson, Daniel Horn, Robert Donaldson, and Albert Eldred, of Spring Creek, Warren county, or a majority of them, be, and they hereby are appointed commissioners to open books, receive

subscriptions, and organize a company by the name, style, and title, of "The Spring Creek and Greene Plank Road Company," with power to construct a plank road commencing at a point at or near the mouth of Spring creek, in Warren county, and passing thence near Waukup's mills, and through Concord and Wayne corner's, and thence to intersect the Erie and Wattsburg plank road and the Erie and Waterford plank road, or either of them, at any point or points in Greene or Mill-creek townships that may be agreed upon by a majority of the stockholders at a meeting called for that purpose.

Style.
Location.

SECTION 2. That said company shall be authorized to locate their said road upon any part or parts of the common road along the route in any township, with the consent in writing and to be entered of record of the road commissioners thereof.

SECTION 3. The capital stock of said company shall consist two thousand shares at twenty-five dollars per share: *Provided*, Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Capital stock.

SECTION 4. That if the said company shall not commence the construction of said road within one year from the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

Commence-
ment and com-
pletion of road.

SECTION 5. That the said plank road company shall be subject to all the provisions (so far as they are not inconsistent with the foregoing sections of this act) of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto: *Provided*, That the said company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the thirteenth section of said act, without reference to the width of the wheels in any case.

Subject to pro-
visions of cer-
tain act.

SECTION 6. That the quarterly terms of the several courts of Columbia county shall be hereafter held on the first Mondays of February, May, September, and December of each year: *Provided*, That this arrangement of the terms of said courts shall commence with the December term next; and the said December term shall be in lieu of the November term next under the arrangement heretofore existing.

Courts in Co-
lumbia county,
relative to.

SECTION 7. The State Treasurer be, and he is hereby authorized to pay to Taylor F. Randolph, of Crawford county, and Mary Irwin, of Columbia county, a soldier and a widow of a soldier of the revolution-ary and Indian wars, an annuity of forty dollars each during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty-one; and also to Taylor F. Randolph, above named, a gratuity of forty dollars, payable upon the passage of this act.

Taylor F. Ran-
dolph, of
Crawford county,
payment to.

SECTION 8. That the State Treasurer be authorized and required to pay to Charles Boyle forty dollars as a gratuity out of any money in the treasury not otherwise appropriated.

Charles Boyle.

SECTION 9. That in addition to the compensation allowed to the inspectors of the Lancaster prison the said inspectors shall be allowed mileage at the same rate now paid to the commissioners of Lancaster county under the fourth section of the act of March thirty-first, one

Pay of inspec-
tors of the Lan-
caster county
prison.

thousand eight hundred and thirty-six, entitled "An Act authorizing Michael Weimar to constitute as attorney Ingham Wood, et cetera."

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 352.

SUPPLEMENT

To an act entitled "An Act authorizing the Governor to incorporate the Codorus Navigation Company," approved April twelfth, Anno Domini, one thousand eight hundred and twenty-five, incorporating the York and Hopewell Turnpike or Plank Road Company, and relative to certain officers in the borough of Norristown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the subscription price of each share of stock in the Codorus Navigation Company, heretofore fifty dollars, be, and the same is hereby reduced to the sum of five dollars, to be paid in instalments in such manner as may be ordered and directed by the president and managers of said company.

SECTION 2. That each and every person subscribing and paying for one or more shares of stock in said company are hereby placed on an equality with, and entitled to all the rights and privileges of original stockholders: *Provided,* That the stockholders of said company, at an annual or special meeting called for the purpose, shall accept of the provisions of this act.

SECTION 3. That Jacob Emmitt, John Hough, John Evans, James B. Latimer, Adam Klinefelter, David G. Barnitz, T. N. Haller, Franklin Kone, of the borough of York, Christian Inerst, James Puling, Jonathan Neff, of York township, Jacob Herbst, Samuel Cross, George King, Edie Patterson, Robert Gemmill, Charles J. Parmer, of Hopewell township, York county, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The York and Hopewell Turnpike and Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from the borough of York to a point at or near the Maryland line, in Hopewell township, in said county, by the nearest and best route or routes as the president and directors may determine upon, subject to all the

Codorus Navigation Company.

Stock.

Commissioners.

Style.

provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act regulating the tolls which discriminates in favor of wheels of the width of four inches and upwards. And the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case.

Subject to provisions of certain act.

SECTION 4. That the capital stock of said company shall consist of three thousand shares, at twenty dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act. That if any person or persons shall sell or offer to expose to sale any squibs, crackers, rockets, or other fire works, or shall cast, throw, or fire any squibs, crackers, rockets, or other fire works within the borough of Norristown, and being thereof convicted in a summary proceeding before the burgess or any justice of the peace of said borough, either by confession of the party or the oath or affirmation of one or more witnesses, shall for every such offence forfeit and pay the sum of four dollars for the use of the borough of Norristown, which forfeiture shall be levied by distress and sale of the offenders goods; and for want of such distress, if the offender refuse to pay, he shall be committed to prison for every such offence forty-eight hours without bail mainprize: *Provided*, That such conviction be made within six days after the offence committed: *And provided*, Any person aggrieved may remove the proceeding by certiorari to the Court of Common Pleas of Montgomery county, on giving bail absolute in double the probable amount of forfeiture and costs, conditioned for the payment of said forfeiture and costs, if proceeding be affirmed by the Court, which bail shall be entered within ten days after judgment.

Capital stock.

That if any person or persons shall wantonly break, destroy, injure, or deface any market house or public school house in the borough of Norristown, or any water spouts, gates, doors, enclosures, posts, stalls, or fence belonging or appurtenances to either, or shall wantonly place any filth or nuisance in and about such market house, such person or persons shall be held guilty of misdemeanor, and on conviction thereof shall forfeit for every such offence any sum not exceeding one hundred dollars, to be imprisoned in the jail of the county not exceeding six months, at the discretion of the court.

Penalty for injuries.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 353.

AN ACT

to authorize the president and managers of the Whitemarsh and Plymouth Turnpike Road Company to borrow money, and to incorporate the Quakertown and Sellerstown Turnpike Road Company.

Authorized to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Whitemarsh and Plymouth Turnpike Road Company be, and they are hereby empowered to borrow any sum or sums of money, not exceeding three thousand dollars, which they may deem necessary, at any rate of interest not exceeding six per cent. per annum, for the payment of the debts of the said company. And it shall and may be lawful for the board of managers of the said turnpike road company to secure the money so borrowed, and to provide for the repayment of the same by pledging and transferring all the tolls and revenues of the said turnpike road by mortgage or otherwise; and in case the said tolls and revenues shall prove insufficient for that purpose, after keeping the said road in repair, then it shall and may be lawful for the said board of managers, at any time after the expiration of five years from and after the passage of this act, to sell the said turnpike road with all its appendages, appurtenances, at public sale, to the highest and best bidder and for the best price that can be obtained for the same—the proceeds of the said sale, after payment of the debts of the said company, to be distributed to and among the stockholders therein according to their respective interests in the same.

Commissioners.

SECTION 2. That Richard Moore, Jesse Roberts, Samuel Carey, Samuel Ochs, Doctor Charles F. Meredith, John B. Missimer, Esquire, Frederick Wolf, Henry Frick, Israel S. Zorus, Anthony Johnson, Joshua Foulke, Henry Trumbower, junior, Benjamin G. Foulke, Henry Kemery, David Johnson, Daniel S. Heist, James Cressman, Evan Penrose, John Sholl, Gilbert Ball, Abraham Housekeeper, Aaron Penrose, Henry Ochs, Samuel D. Foulke, Charles Fellman, Charles Foulke, Lewis Headman, George Brong, Michael Headman, Andrew Walters, George Deahl, Enos Schlichter, George Trumbore, Samuel Landis, J. A. Strawsberger, Henry Troxel, P. B. Knechel, Samuel Cressman, Noah Wambold, Frederick Althouse, Doctor Charles W. Everhart, Henry Baringer, junior, Henry Cope, William B. Kaemmer, Joel Heacock, Joseph Hartman, Samuel Myers, Henry Button, Esquire, Samuel Barndt, and Samuel Karn, of Bucks county, or any seven of them, be, and they are hereby appointed commissioners to open books, receive subscription to stock, and organize a company by the name, style, and title, of "The Quakertown and Sellersville Turnpike Road Company," with power to construct a turnpike road from the Cross roads in Quakertown, Bucks county, thence extending upon or near the bed of the present road, with full authority to alter and change the same to the bridge in the village of Sellersville, in said county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand

Style.

Subject to provisions of certain act.

eight hundred and forty-nine, and the supplement thereto, approved the seventh day of April, one thousand eight hundred and forty-nine, except that the turnpike road company shall not be subject to that part of said act regulating tolls, but is hereby authorized to charge the same rate of tolls as are allowed to be charged by the act incorporating the "Springhouse, Northampton town, and Bethlehem Turnpike Road Company," and the supplement thereto: *And provided further*, That when said company shall have made and completed two and a-half miles of said road, they shall have power to collect and receive toll on the same.

SECTION 3. That the capital stock of said company shall consist of Capital stock. six hundred shares, at twenty-five dollars each: *Provided*, That said company may by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

SECTION 4. That if said company shall not commence the construction Commence- of their road within three years after the passage of this act, and com- ment and com- plete the same within five years thereafter, this act shall be null and pletion of road. void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 354.

AN ACT

To incorporate the Meadville Cemetry, relative to the election of a justice of the peace in Womelsdorff, Berks county, repealing part of the ninth section of an act passed April eight, one thousand eight hundred and fifty, regulating election districts, and relating to the election of supervisors and borough officers, to deeds defectively acknowledged or proved out of this State for lands therein, and relative to the vacating of a street in Monongahela city.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Disk, John Reynolds, John McFarland, Frederick Huidekeper, Corporators. D. A. Finney, Alfred Huidekeper, Gaylord Church, Calvin Kingsley, Joseph Derickson, Howard Cullum, William Thorp, William Reynolds, David Derickson, James D. Gill, James E. McFarland, Joseph C. Hayes, Richard Craighead, William McLaughlin, Arthur Cullum, D. Sexton, H. C. Boileau, Kennedy Davis, Edward Ellis be, and they and their successors are hereby created a body politic in law, under the

Style. name and title of "The Meadville Cemetery;" and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded, in all courts of law and equity, and do all such other things as are incident to a corporation.

Privileges.

Vacancies. SECTION 2. That the said corporation shall at least once in every year hereafter fill by election by ballot all vacancies which may occur among them, and may at the same time or other times increase and add to their number from those who may be lot-holders in the cemetery, so that the said company shall never be reduced to less than ten nor exceed thirty members; and they shall have full power to ordain, establish, and put in execution all such by-laws, rules, and regulations not contrary to the Constitution and laws of the United States or of this State, which may be necessary for the proper government of this corporation, its officers and affairs, and until the election of managers shall exercise all the powers thereof.

Managers. SECTION 3. That the said corporators shall at least once in every year elect from their number five managers, one of whom shall be designated as president, and a secretary and treasurer, who shall make a report of their proceedings and a statement of the finances at the annual meetings of the corporators, and as much oftener as may be required by a majority of them the said corporators.

Powers. SECTION 4. That the said corporators or managers shall have power to contract for and purchase from the owner or owners thereof a tract of land in Allegheny county, not exceeding in the whole fifty acres, and the same to lay out and ornament, and to divide and arrange into suitable plots and burial lots, remove and alter old and erect new buildings, and to do all other things proper or necessary to be done to adapt the said ground for the purposes of a cemetery, and to sell and dispose of said plots and burial lots in fee simple or otherwise, for the purpose of sepulture to individuals, societies, or congregations, without distinction or regard to sect, under such conditions, rules, and regulations as the said corporators or managers may establish for the government of lot-holders, visitors to the cemetery, and burial of the dead: *Provided*, That the lots granted by the said association for burial lots shall not be used for any other purpose, and they shall be free from seizure, levy, or sale under or by virtue of any execution against any grantee or grantees of said association for such purpose.

Officers. SECTION 5. That the said corporators or the said managers after their election, shall have power to appoint all other officers, agents, and workmen which may be needful, and fix their compensation or wages, and the same discharge at pleasure; to take from the treasurer security for the faithful performance of his trust, and to discharge him from his office upon occasion therefor; and that the said managers shall keep fair minutes of all their acts and doings.

Authorized to hold personal property, &c. SECTION 6. That the said company shall be capable of holding so much personal property as may be necessary for the purposes of this incorporation; and it shall be the duty of the managers out of the proceeds of sale of burial lots to create a fund to be vested in ground rents or mortgages, the income whereof shall be of adequate amount and applied as may be necessary for the improvement and perpetual maintenance of the cemetery in proper order and security; and at least ten per cent. of the purchase money of all burial lots shall be set aside for said improvements and the creation of said perpetual fund. And any failure in the duties aforesaid shall subject said managers or corporators to the control of the competent judicial authority for correction.

SECTION 7. That no street, lane, or road, shall ever be laid out through the lands so occupied as a cemetery except under the authority of the corporation, and that the same shall be exempt from taxation.

SECTION 8. That the election for justice of the peace held in the borough of Womelsdorff, in the county of Berks, on the twenty-first day of March, in the present year, be, and the same is hereby declared valid, and the Governor is hereby directed to issue a commission as in other cases.

Certain election for justice of the peace, held in Womelsdorff, Berks county, made valid.

SECTION 9. That so much of the ninth section of an act passed the eighth day of April, one thousand eight hundred and fifty, entitled "An Act regulating election districts, and relating to the election of supervisors and borough officers" as are contained in the following words, to wit: "and that the real estate of William B. Leas in Shirley township be, and the same is hereby included within the limits of said borough," be, and the same is hereby repealed.

Wm. B. Leas, relative to estate of.

SECTION 10. That all the deeds and conveyances in due forms for lands within this State which purport to have been executed and acknowledged or proved without the limits of this State, and which have been recorded in any county of this State in which any part of the lands conveyed lie for a period of thirty years previous to the passage of this act, notwithstanding such deeds and conveyances shall not have been acknowledged or proved at the time they may have respectively recorded according to the requirements of the then existing laws of this Commonwealth in relation to the recording of deeds, shall be received and admitted in evidence in like manner and with like effect as if the same had been duly acknowledged or proved at the time of their being respectively executed, or previous to their being recorded.

Deeds defectively acknowledged out of the State for lands, relating to.

SECTION 10 That the act approved February, one thousand eight hundred and fifty, authorizing the opening of Mulberry alley to form a street in the borough of Monongahela city, be, and the same is hereby repealed.

Repeal of a certain act relating to a street in Monongahela city.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., eighteen hundred and fifty-one.

WM. F. JOHNSTON.

No. 355.

AN ACT

To incorporate the Kensington Dock Company, relative to the collection of taxes in Bern township, Berks county, and to the district of West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Jacob K. Vaughan, Robert Lynn, Theodore Birely, Thomas T. Vaughan, Jacob Teese, William Cramp, Joseph Albertson, Eli Garrison, Andrew Manderson, Samuel K. Gillingham, David Davis, Mathew Van Dusen, junior, Samuel Vaughan, William Seibert, Abraham P. Eyre, Peter Rambo, and William Deal, all of the city or county of Philadelphia, or a majority of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company in the manner hereinafter provided, by the name, style, and title, of "The Kensington Dock Company," for the purpose of constructing and providing one or more dry docks or wet docks or other conveniences and structures for raising vessels and steamers of every description at the port of Philadelphia, in the county of Philadelphia, State of Pennsylvania.

Style. **Privileges.** SECTION 2. That all persons who may subscribe for and to the stock hereinafter mentioned, shall be, and they are hereby created a body politic and corporate in fact and in law, by the name and style of "The Kensington Dock Company," and by said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever, and also of contracting and being contracted with; and they and their successors may have a common seal, and shall be capable of purchasing, holding, conveying, leasing, or hiring such lands, tenements, and hereditaments, as may be necessary and convenient to carry into effect the objects of the said company, or such as shall be bona fide mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments where such purchase may be necessary to secure any debt due to the said corporation.

Object. SECTION 3. That the corporation hereby created is so created for the purpose of accommodating the merchantile marine of the port of Philadelphia, with a sectional floating dry dock or docks with or without a permanent basin or platform, level bed-ways, sliding-ways, and house-slips, upon such plan and in such method and mode as the said corporation may deem it expedient to adopt.

Capital stock. SECTION 4. That the capital stock of the said company shall be one hundred thousand dollars, which shall be divided into one thousand shares of one hundred dollars each; and it shall be lawful for the said corporation to increase their capital stock to an extent not exceeding two hundred thousand dollars, such increase also to be divided into shares of one hundred dollars each, which increase of stock may be declared and take place whenever the holders of two-thirds of the stock shall deem it expedient so to do.

Commissioners to open books. SECTION 5. That the commissioners named in the first section of this act, or a majority of them, shall as soon as conveniently may be after the passage of this act, proceed to open books for receiving subscriptions to the capital stock of said corporation in the city or county of Philadelphia, giving at least twenty days' notice in two of the daily newspapers of the city of Philadelphia, of the time and place when and where the said books will be opened, at which time and place two or more of the said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in such books in their own names or in the names of any other persons who shall authorize them to subscribe for any number of shares of said stock, and the said books shall be kept open for the purpose aforesaid at least six hours in every juridical day for the space of five days, unless the subscription shall be filled up in less than five days; and if at the expiration of said five days the books aforesaid shall not have the said number of shares

Who may subscribe.

How long books to be kept open.

authorized as aforesaid therein subscribed, the commissioners present may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed,—of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require. And when the whole number of shares subscribed shall amount to the number authorized by this act, the said books of subscription shall be closed: *Provided always*, That every person offering to subscribe in such books shall be required to make a cash payment at the time of subscribing of five dollars on every share so by him subscribed; and the residue of the money to make up the subscription price of said shares of stock so subscribed shall be paid at such time or times and in such instalments as the said commissioners, or a majority of them, shall direct and appoint; which terms shall be inserted in the advertisement so to be published by them as aforesaid of the time and place of taking subscriptions to the said stock. And whenever a majority of the stockholders shall resolve upon an increase of stock as above provided for, the mode of taking subscription to such further stock shall be prescribed and regulated by the board of directors for the time being.

May adjourn.

Proviso.

\$5 on each share to be paid.

SECTION 6. That the management and control of the said the Kensington Dock Company shall be vested in nine directors to be chosen in manner following, to wit: The commissioners aforesaid, or a majority of them, shall as soon as fifty thousand dollars are subscribed to the said stock, give twenty days' notice to the subscribers to the said stock in two daily newspapers published in the city of Philadelphia, of the time and place (which time and place shall be named by the said commissioners, or a majority of them,) when and where the said stockholders shall assemble to organize said corporation and to elect nine directors; at which time and place the said subscribers shall proceed to organize said corporation and shall choose by a majority of the votes of said subscribers to the stock by ballot, such votes to be delivered in person or by proxy duly authorized, nine directors to continue in office for one year from the day on which they shall be so elected and until successors shall be elected to supersede them; and such process of election shall be continued on the same day in each succeeding year thereafter, unless such day should fall upon a Sunday, in which case the election shall be held on the Saturday preceding. And the said stockholders may also at such meeting so to be called as aforesaid, and at every subsequent meeting, make such by-laws, orders, and regulations not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as shall be necessary for the proper management of the affairs of said corporation, by which by-laws they shall also prescribe the powers and duties of the said board of directors, and also the powers and duties of the officers whom it is hereinafter provided shall be appointed by the board of directors: *Provided always*, That each stockholder shall be entitled to one vote both in the election of officers and on the questions which may be moved at said meeting of stockholders for each and every share of stock held by him: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting held by the said stockholders unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting shall have been paid.

Directors.

Organization.

Annual election.

Proviso.

Who may vote.

SECTION 7. The board of directors shall at their first meeting proceed to appoint a president, treasurer, and secretary, to continue in office for one year from the time of their respective appointments; and annually thereafter a like appointment shall be made. And the said board

Officers.

shall also regulate the compensation which said officers shall respectively receive.

Place of meet-
ing.

SECTION 8. That the place of every meeting of said stockholders after the first meeting shall be fixed by the by-laws to be adopted or enacted by said meeting of stockholders, which by-laws shall also provide for other meetings of stockholders beside the stated meetings as aforesaid, and by whom such special meetings shall be called, and what shall be the terms of notice of such special meetings; and said stockholders at such stated or special meetings shall have full power and authority to make, alter, or repeal by a majority of votes, all such by-laws, rules, orders, and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of
stock.

SECTION 9. That the president and directors of said company first chosen shall procure certificates or evidences of stock for all the shares of the capital stock of said company, and shall deliver one or more of such certificates or evidences signed by the president countersigned by the treasurer and sealed with the corporate seal of the said corporation, to each person or persons entitled to receive the same according to the number of shares by him, her, or them respectively subscribed or held; that such certificates or evidences of stock shall be transferable at the pleasure of the holder in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due or to become due thereon: *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto.

Directors, pow-
ers of.

SECTION 10. That the president of said corporation shall preside at the meetings of the board of directors when he shall be present, and any five of the directors shall constitute a quorum competent to transact business; and said president shall have a casting vote when there shall be an equal division of the board of directors upon any question that may come before them. The said board of directors shall have power to determine on the plan, form, manner, and description of the dry dock or docks and other structures contemplated to be built, purchased, constructed, or provided by the said company, and to make all and every contract and purchase of estate, real and personal, necessary and proper or expedient to attain the end and objects for which this corporation is created; and upon the completion of the said dock or docks, structure or structures, or when the same or any part thereof have so far advanced as to be capable of any use or employment, to regulate the use and employment thereof, and the rates of compensation which the corporation may ask or demand for the use of their dry dock, et cetera, and to employ all necessary agents and officers in and about the same.

Penalty for ne-
glect to pay in-
stalments.

SECTION 11. If any stockholder, whether original subscriber or assignee, shall after twenty days' notice of the time and place appointed for the payment of any part or instalment of the purchase or subscription price due by him for the said capital stock, shall neglect to pay the same for the space of thirty days after the time appointed for payment thereof, such stockholder shall in addition to the instalment so called for pay at the rate of one per cent. per month for every delay of such payment; and if the said instalment in arrear and the penalty so imposed on such delinquency shall at any time be equal to the sums previously paid by such stockholder on his said stock, then the said stock and all payments previously made thereon by the said stockholder shall be forfeited to the said company, and may be sold by them for such price as may be obtained therefor; or in default of the payment of any instalment as aforesaid the said corporation may at their option cause

suit to be brought against such delinquent stockholder for the arrears due on such stock, together with the penalty so imposed as aforesaid for the detention of the same.

SECTION 12. That the company hereby incorporated shall not engage directly nor indirectly in banking nor in any manufacturing or other business whatsoever, except such as they are by this act expressly authorized to engage in; nor shall this act be so construed as to grant to the said company any exclusive privilege to exercise the rights and powers herein confessed.

SECTION 13. That the provisions of the seventh section of an act entitled "An Act authorizing the sale of certain real estate, and relative to the collection of taxes in certain townships in Monroe, Berks, and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana, and Schuylkill counties," approved the tenth day of April, one thousand eight hundred and forty-eight, be, and the same are hereby extended to the township of Burn, in the county of Berks.

SECTION 14. That it shall be lawful for the commissioners of the district of West Philadelphia, in the county of Philadelphia, to nominate to the marshal of police the number of candidates for policeman required by existing regulations of the board of police; and the policeman appointed by said marshal from said nominations shall serve to the thirty-first day of December, one thousand eight hundred and fifty-one, inclusive, if they so long behave themselves well.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 356.

A N A C T

Supplementary to the act incorporating the Williamsport and Elmira Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Williamsport and Elmira Railroad Company is hereby authorized to locate and construct their railroad from Ralston northward by such points, courses, and directions as they may think proper, and to make the northern terminus of their said railroad at such point on the line of the State of New York, west of the village of Barton, as to them may be deemed expedient: *Provided,* That all the rights, privileges, and franchises guarantied to said company, and also all the liabilities

and restrictions imposed upon the same by the act of Assembly incorporating said company, and the several supplements thereto, shall be, and are hereby extended and continued to the said company, notwithstanding they shall as aforesaid change the location or terminus originally contemplated by the act incorporating said company.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

357.

AN ACT

To incorporate the Greensburg and Uniontown Turnpike and Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. Hugh Y. Brady, Robert Hitchman, Samuel Kuhns, Abraham Overholt, senior, John Kuhns, Joseph Lippencott, Jacob Welty, Jacob Brinker, John Armstrong, junior, Daniel Shupe, James C. Clark, Jacob Lobingier, David K. Marchand, John Lloyd, John Taylor, Adam Fisher, Alexander Miller, John Giffen, David Fullwood, of Westmoreland county, and H. D. Overholt, Henry Walter, John Fuller, Joseph Johnston, James C. Cummings, Joseph Torrence, Daniel Rogers, John T. Hurst, Samuel Freeman, N. Ewing, Thomas R. Davidson, Alfred Patterson, Daniel Kaine, Isaac Beeson, James Blackstone, Jacob Murphey, John Sowers, A. S. Fuller, George Meason, James M'Ilvaine, Joshua B. Howell, and John Patrick, of Fayette county, or any seven of them, be, and they

Style. are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Greensburg and Uniontown Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from Greensburg, in the county of Westmoreland, thence by the way of Mount Pleasant and Connellsville to Uniontown, in the county of Fayette, on the bed of the present public road between said points or

Subject to provisions of certain act. otherwise by such route as the said company shall direct, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are not inconsistent with this act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of thirty thousand shares, at twenty-five dollars per share: *Provided,*

That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

SECTION 4. That said company, if it is deemed expedient, may extend their road to the Virginia State line in the direction of Morgantown, by the nearest and most practicable route. Extension of road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 358.

AN ACT

To incorporate a company to erect a bridge over the river Schuylkill at Spring Mill, in Montgomery county, relative to the nineteenth section of "An Act regulating certain election districts, &c." approved March twenty-ninth, eighteen hundred and fifty-one, to school directors in Philadelphia county, to actions for damages sustained by injuries done to the person by negligence or default, relative to the accounts of John Humes, deceased, to authorize the trustees of the Seventh Presbyterian church of Philadelphia to convey certain real estate, to security for moneys loaned by wives to husbands, to unpaid school taxes in Bradford county, and relative to service of process on agents of joint stock companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel O. Hitner, James Cresson, Joseph Crawford, Nathaniel Y. Yerkes, Henry S. Hitner, Levi Streepcr, Robert Maguire, Charles Freas, Hiram Corson, John Y. Crawford, Jeremiah Comfort, and Girard Lentz, all of the county of Montgomery, be, and are hereby appointed commissioners to do and perform the several duties hereinafter mentioned—that is to say, they or any five of them shall on or before the first day of April next procure a book or books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers, and company authorized to erect a bridge over the river Schuylkill below Spring Mill and near the William Penn Furnace, for the use of the said company, the sum of fifty Commissioners. Duties.

dollars for each share of stock set opposite our respective names, in such manner and proportions and at such times and places as shall be determined by the president and managers in pursuance of an act of the General Assembly of this Commonwealth entitled 'An Act authorizing the Governor to incorporate a company for erecting a bridge over the river Schuylkill at Spring Mill, in the county of Montgomery.'

Witness our hands this _____ day of _____ one thousand eight hundred and fifty-one;" and shall thereafter give notice in three newspapers printed in said county, for one calendar month at least, of the times and places when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein in his own name or in the name of any person or persons by whom he shall be authorized so to do, for any number of shares in the said stock until four hundred shares shall be subscribed, when the books shall be closed. But if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper; and when the subscriptions shall amount to four hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in said book or books in his own name or that of any other person, shall at the time of subscribing pay to the attending commissioner or commissioners five dollars for every share so to be subscribed—out of which moneys shall be defrayed the expenses of taking such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen as hereinafter directed.

SECTION 3. That when two hundred shares of the said stock shall have been subscribed, the said commissioners, or any five of them, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each to the Governor; and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the State, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterward subscribe to the number aforesaid into one body politic and corporate in deed and in law, by the name, style, and title, of "The President, Managers, and Company of the Schuylkill Bridge, at Spring Mill," and by the said name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of entering in and upon the lands on either side of the said river so far as it may be necessary to use and occupy the same for the purposes of said bridge, first giving notice of their intentions to the occupiers thereof, and paying a reasonable compensation for the same as shall be agreed upon by the parties; or if they cannot agree upon a just and equitable valuation thereof to be made upon oath or affirmation by three disinterested freeholders, or any two of them, two of whom shall be mutually chosen by the parties, and said two thus chosen shall choose a third, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of

Letters patent.

Style.

Privileges.

the peace in said county who shall not be interested therein, and upon the tender of the assessed value to enter in and occupy the said lands for the purposes aforesaid, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided*, In the construction of said bridge it shall not be lawful to erect any abutment, pier, or other device so as to interfere with or obstruct the passage of boats on the works of the Schuylkill Navigation Company.

SECTION 3. That the five persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in two or more public newspapers in the county of Montgomery of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, and one treasurer, who shall serve until other officers shall be chosen as hereinafter directed, and may make such rules, orders, regulations, and by-laws not inconsistent with the laws of this Commonwealth as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities, and privileges necessary for erecting, maintaining, and keeping in repair the said bridge. Organization.

SECTION 4. That a public meeting of said stockholders shall be annually held at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them: *Provided*, That no person shall have more than ten votes at any election or in determining any question arising at such meeting, whatever may be the number of shares to which he may be entitled, and that each person shall be entitled to one vote for every share of stock he may hold less than ten shares. Annual meeting
of stockholders.

SECTION 5. That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held on paying to the treasurer in part of the sum due thereon ten dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject, however, to the payment due or to grow due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges and be liable to the same responsibilities to the company. Certificates of
stock.

Transferable.

SECTION 6. That the president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book. And at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contract for the erection or construction of the same or any part thereof. They shall also determine the times, manner, and proportions in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay President and
managers.
Quorum.

Powers.

salaries, wages, and bills for work and materials, or on account of contract, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them.

Forfeiture of
stock.

SECTION 7. That if any stockholder, after thirty days' notice given in two or more newspapers printed in said county of the time and place appointed for the payment of any instalment of the said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder or his assignee shall in addition to the proportion so called for pay at the rate of two per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or the president and managers may sue for and recover the same before any justice of the peace or before any court of competent jurisdiction.

Increase of
shares.

SECTION 8. That whenever it shall appear to the said president and managers and company at any special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of said meeting, so far as it may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Toll.

SECTION 9. That when a safe passage may be had across the said bridge, the property of the same shall be vested in the said company, their successors and assigns, forever; and the said company, their successors and assigns, are hereby empowered to erect gates and demand and receive toll at not exceeding the following rates, to wit: For every score of sheep six cents, for every score of hogs ten cents, for every score of cattle twenty cents, and so for a greater or less number; for every horse or mule three cents, for every horse and rider four cents, for every foot-passenger one cent, for every sulkey, chair, or chaise with one horse and two wheels two cents, for every chariot, phaeton, coach, or chaise with two horses and four wheels twenty cents, for either of the aforesaid carriages with four horses thirty cents, and for every other carriage of pleasure, under whatever name, the like sum according to the number of horses drawing the same; for every stage wagon with two horses twelve and one-half cents, for every such wagon drawn by four horses twenty-five cents, for every sleigh six and a-quarter cents for every horse drawing the same; for every sled four cents for each horse drawing the same; for every wagon or cart five cents for each horse drawing the same; and two oxen shall be equal to one horse: *Provided*, That the bridge shall be so constructed as to admit any load not exceeding twelve tons, and drawn by not more than twelve horses or oxen at all times to cross it; the said president and managers, however, to have the power to increase the toll to be demanded for any carriage of burden or cars crossing the said bridge laden with more than three tons, to not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals nor returning from the same; and all persons going to and returning from military parades, going to and returning from church, children going to and returning from school, going to and returning from general elections, or walking in military procession.

SECTION 10. That if the said company or their successors, or any

person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the same in repair, or to keep a list of the rates of toll placed near the bridge, on six days' notice given by or from any justice of the peace of the said county they so offending shall for every such offence forfeit and pay the sum of thirty dollars, to be recovered as debts of the same amount are by law recoverable; one moiety thereof to go for the use of the poor of said county, and the other moiety for the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed. Penalty for demanding excess of toll.

SECTION 11. That the said president and managers shall keep a just and true account of all moneys received as toll for crossing said bridge or otherwise, and shall make and declare a dividend of the profit and income after deducting costs, charges, and expenses; and shall on the fourth Mondays of December and June in every year publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend to reserve such portion of the clear annual income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing or re-building said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purposes aforesaid. Accounts.
Dividends.

SECTION 12. That it shall and may be lawful for the president and managers aforesaid to cause the toll collector or toll collectors and watchman of said bridge to take and subscribe an oath or affirmation before a justice of the peace of said county that he or they will faithfully conduct themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty by watching with vigilance over the interests of the company and the safety of the bridge, and generally to execute with care and fidelity whatever lawful engagement he or they may enter into with the president and managers of the said bridge. Collectors to take oath, &c.

SECTION 13. That if any person or persons shall wilfully pull down, break, injure, or destroy any part or parts of said bridge, or of any toll-house, gates, bars, or other property of the said corporation appurtenant to or erected for the use and convenience of said or of the person employed in attending to the same, or shall wilfully without the consent or orders of the said corporation deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge or any part or parts thereof, he, she, or they so offending shall each of them forfeit and pay for every such offence to the said corporation the sum of twenty dollars, to be recovered before any justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying a lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern or in some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any Penalty for injuries to works.

gun, pistol, or other fire-arms on or near said bridge, so that said bridge might by possibility be fired or injured thereby, he or they so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence, shall have been committed; and he or they so offending shall remain liable to actions at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages.

Commencement and completion of bridge.

SECTION 14. That if the said company shall not proceed to carry on said work within two years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the Legislature of this Commonwealth to resume all and singular the rights, liberties, and privileges hereby granted to the said company.

Capital stock.

SECTION 15. That the capital stock of said company shall not exceed in amount sixty thousand dollars; and it is hereby provided that nothing *containing* in this act shall be considered as in any way giving to the said corporation any banking, manufacturing, or trading privileges whatever, or any other liberties, privileges, or franchises but such as may be necessary or incident to the building of the said bridge.

Act of 1851, regulating certain election districts, amended.

SECTION 16. That the words "and townships" be inserted after the word "borough," wherever it occurs in the nineteenth section of an act entitled "An Act to regulate certain election districts, &c.," approved the twenty-ninth day of March, A. D., eighteen hundred and fifty-one.

Ninth section first school district, number of directors in.

SECTION 17. That the number of school directors of the ninth section of the first school district in Philadelphia county is hereby increased three members, said members to be elected by the said board under the present ordinances and rules of said district regulating the election of school directors, and for the term of three years from the date of their said election.

Actions for damages for injuries to the person, relative to.

SECTION 18. That no action hereafter brought to recover damages for injuries to the person by negligence or default, shall abate by reason of the death of the plaintiff; but the personal representatives of the deceased may be substituted as plaintiff, and prosecute the suit to final judgment and satisfaction.

Widow or personal representatives may bring such action for damages.

SECTION 19. That whenever death shall be occasioned by unlawful violence or negligence, and no suit for damages be brought by the party injured during his or her life, the widow of any such deceased, or if there be no widow the personal representatives, may maintain an action for and recover damages for the death thus occasioned.

John Humes, deceased, Auditor General authorized to open accounts of.

SECTION 20. That the Auditor General and State Treasurer be, and they are hereby authorized and directed to open for revision and resettlement the accounts of John Humes, now deceased, late Register of Wills, &c., of the city and county of Philadelphia, and make such equitable adjustment of the said accounts as may be deemed just from the evidence which may be presented to them by the representatives of said Humes or his sureties.

Preamble.

SECTION 21. *Whereas*, By an instrument of incorporation dated the twenty-fifth December, eighteen hundred and six, enrolled in the rolls office in book No. two, page three hundred and twenty-five, certain citizens of this Commonwealth were incorporated under the name, style, and title, of "The Independent Tabernacle Church and Congregation of the city of Philadelphia," and by deed dated the fourth day of April, eighteen hundred and eight, recorded in deed book E F, No. thirty-one, page ninety-six, &c., the inspectors of the prison in the

city of Philadelphia did grant and convey certain real estate in said city to the said corporation;

And whereas, By another instrument of incorporation dated first October, eighteen hundred and sixteen, enrolled in book No. two, page two hundred and thirteen, the name of the said body politic was changed into "The Second Reformed Dutch Church in the city of Philadelphia," and afterwards by another instrument dated eighteenth March, eighteen hundred and twenty, and enrolled in book No. three, page one hundred ninety-six, into "The Trustees of the Seventh Presbyterian Church in the city of Philadelphia," and some doubts have arisen whether the said real estate can lawfully be conveyed by the said corporation under its present name as aforesaid, that it is hereby enacted and declared that the said changes of the name or style of the said corporation be ratified and confirmed, and that the said "The Trustees of the Seventh Presbyterian Church in the city of Philadelphia" are the true and lawful successors of the Independent Tabernacle Church and Congregation of the city of Philadelphia; and all conveyances of real estate by them as such shall be deemed valid and effectual to convey the estate and interest of the said "The Independent Tabernacle Church and Congregation of the city of Philadelphia" therein.

Changes of
name of corpor-
ation ratified
and confirmed.

SECTION 22. That it shall and may be lawful for married women to loan to their husbands moneys being of the separate estate of the wife, and to take in security therefor a judgment or mortgage against the estate of the husband in the name of a third person, who shall act as trustee for such married woman; and any such security heretofore or hereafter taken bona fide to secure such loan or moneys received by the husband from the proceeds of the real or personal estate of the wife, shall be as good and valid in law against the estate of the husband as though the same had been invested by a trustee appointed by the court.

Married women
authorized to
make loans to
their husbands.

SECTION 23. That Andrew Overpeck is hereby authorized to collect the balance of unpaid school taxes in the township of Herrick, county of Bradford, levied for school year ending June first, eighteen hundred and fifty-one, with the same powers and privileges in the collection of said taxes as his predecessor in office may have had.

School tax in
Herrick town-
ship, Bradford
county, author-
ized to collect.

SECTION 24. That the provisions of the third section of the act of Assembly, approved the twenty-first day of March, one thousand eight hundred and forty-nine, entitled "An Act to facilitate the collection of debts against corporations," shall be, and that the same are hereby extended to stage companies, and all joint stock companies not incorporated, when the members of said companies do not reside within this Commonwealth: *Provided*, That service upon an agent shall be upon the principal agent having charge of the business of said company in the county where any office may be located.

Provisions of
certain act ex-
tended to the
collection of
debts from stage
companies.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 359.

A N A C T

To provide for the ordinary expenses of Government, the repair of the public canals and railroads, and other general and special appropriations.

Appropriation,
object of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, one thousand eight hundred and fifty-one, to be paid out of any money in the treasury not otherwise appropriated.

Salary of execu-
tive and other
departments.

SECTION 2. For the salary of the Governor three thousand dollars; for the salary of the Secretary of the Commonwealth twelve hundred dollars, and the further sum of five hundred dollars to be paid to him as Superintendent of Common Schools; for the salary of the Deputy Secretary of the Commonwealth twelve hundred dollars; for the salary of the Auditor General seventeen hundred dollars; for the salary of the Surveyor General fourteen hundred dollars; for the salary of the Attorney General three hundred dollars; for the salary of the Adjutant General three hundred dollars; for the salary of the State Treasurer seventeen hundred dollars; for clerk hire in the State Department three thousand dollars, and the further sum of fifteen hundred dollars for recording acts not now recorded, past previous to the year one thousand eight hundred and forty-nine; for clerk hire in the Auditor General's office five thousand five hundred dollars; for clerk hire in the State Treasurer's office three thousand two hundred dollars; for clerk hire in the Surveyor General's office five thousand dollars; for the salary of the State Librarian five hundred dollars.

Clerk hire in
departments.

Librarian.

Contingent ex-
penses of execu-
tive and State
departments,
including the
binding of ori-
ginal papers in
Secretary's
office.

SECTION 3. For the payment of the contingent expenses of the Executive and State Department, including the department of Common Schools, to wit: For stationary five hundred and fifty dollars; for postage, including telegraphic dispatches, seventeen hundred dollars; for the pay of Messenger eight hundred dollars; for fuel and light sixty dollars; for cleansing offices and chambers twenty-five dollars; for blank books for the enrolment of laws passed previous to the year one thousand eight hundred and forty-nine, sixty dollars; for miscellaneous expenses, including the binding of original papers in the Secretary's office, one hundred and fifty dollars.

Contingent ex-
penses of Audi-
tor General's
office.

SECTION 4. For the payment of the contingent expenses in the Auditor General's offices to wit: For postage five hundred dollars; for the pay of Messenger three hundred and fifty dollars; for stationary two hundred and seventy-five dollars; for fuel sixty-five dollars; for miscellaneous expenses sixty dollars.

Contingent ex-
penses of State
Treasurer's
office, and other
miscellaneous
expenses in said
office.

SECTION 5. For the payment of the contingent expenses in the State Treasurer's office, to wit: For postage three hundred dollars; for the payment of telegraph dispatches fifty dollars; for stationary and blank books one hundred and seventy-five dollars; for fuel and lights seventy-five dollars; for Messenger and night watch five hundred dollars; for miscellaneous expenses one hundred and seventy-five dollars; for re-

pairing and rendering more secure the vault-doors and windows in the State Treasurer's office, and for the purchase of a new lock for said vault, sixteen hundred dollars, to be disbursed under the direction of the State Treasurer and Secretary of the Commonwealth, whose accounts shall be settled in the usual manner.

SECTION 6. For the payment of the contingent expenses in the Surveyor General's office, to wit: For the pay of Messenger three hundred and sixty dollars; for stationery and books two hundred dollars; for washing and scrubbing thirty-five dollars; for postage two hundred dollars; for repairs and miscellaneous expenses forty-five dollars; for fuel sixty dollars. Contingent expenses of Surveyor General's office.

SECTION 7. For the payment of the expenses of the Legislature, including the pay of members, clerks, officers, and contingent expenses, eighty thousand dollars. Legislative expenses.

SECTION 8. For the public printing, folding, stitching, and binding, twenty-five thousand dollars. Printing.

SECTION 9. For packing and distributing the laws and journals of the Legislature seven hundred dollars; the packing and distributing of the said laws and journals to be assigned by the Secretary of the Commonwealth to the person or persons who shall make the lowest and best bid, and give adequate security for the packing and distribution thereof. Distribution of laws.

SECTION 10. For the payment to the borough of Harrisburg for supplying the public buildings with water, as per act of the twenty-eighth day of April, one thousand eight hundred and forty, six hundred dollars; for the payment of gas furnished for the public buildings, and walks by the Harrisburg Gas Company, the sum of fifteen hundred dollars, or so much thereof as may be necessary for that purpose, to be paid on the warrant of the Governor under his contract with said company, in pursuance with the provisions of the act incorporating said company, and the supplements thereto. Supplying water and gas.

SECTION 11. For the support of the Common Schools two hundred thousand dollars, as provided in the common school law, to be paid on warrants drawn by the Superintendent of Common Schools in favor of the accepting school districts of the Commonwealth in proportion to the number of taxable inhabitants in each: *Provided*, That the several school districts which were non-accepting but were made accepting districts by an act to provide for the ordinary expenses of government, the repairs of canals and railroads belonging to the State, and the payment of other claims upon the Commonwealth, passed the eleventh day of April, one thousand eight hundred and forty-eight, and which did not avail themselves of the provisions of said act, nor of the provisions of any similar subsequent act, shall have the privilege of doing so by complying with the provisions of the act first above referred to, by levying and assessing a tax as required by law to enable school districts to receive their portion of the State Appropriation any time before the first day of June, one thousand eight hundred and fifty-two. Support of common schools. Proviso.

SECTION 12. For the payment of pensions and gratuities sixteen thousand dollars. Pensions &c.

SECTION 13. For the payment of the expenses of the Judiciary, to wit: For the salary of the Chief Justice of the Supreme Court two thousand four hundred and thirty-three dollars and thirty-three cents; for the salaries of each of the associate judges of said court whose commissions bear date subsequent to the seventeenth day of April, one thousand eight hundred and forty-three, sixteen hundred dollars; for the salary of one associate judge of the said court, whose commission bears date prior to the said seventeenth day of April, one thousand eight hundred and forty-three, two thousand dollars; for the daily Judiciary.

pay of the judges of said court five thousand two hundred dollars : *Provided however*, That the said judges shall not be allowed their daily pay except for the days employed in traveling, and the performance of their judicial duties while actually at court.

For the payment of the salaries of the President and three Associate Judges of the First Judicial District eight thousand nine hundred and fifty dollars.

For the payment of the salaries of the President and two Associate Judges of the District Court for the city and county of Philadelphia six thousand seven hundred and fifty dollars; and that from and after the first day of Decomber next, the Judges of the First Judicial District shall be one President and two Associates who shall be learned in the law; and that from and after said first day of December, the salaries of the said Judges shall be twenty-five hundred dollars each per annum; and that from and after the first day of December next, the salary of the President and Associate Judges of the District Court of the city and county of Philadelphia shall be twenty-five hundred dollars each per annum.

For the salary of the President Judge of the Second Judicial District eighteen hundred dollars.

For the salary of the President Judge of the Third Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Fourth Judicial District sixteen hundred dollars

For the salary of the President Judge of the Fifth Judicial District eighteen hundred dollars.

For the salary of the President Judge of the Sixth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Seventh Judicial District sixteen hundred dollars.

For the salaries of the President and Associate Judges of the District Court for the county of Allegheny four thousand dollars.

For the salary of the President Judge of the Eighth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Ninth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Tenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Eleventh Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Twelfth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Thirteenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Fourteenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Fifteenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Sixteenth Judicial District eighteen hundred dollars.

For the salary of the President Judge of the Seventeenth Judicial District eighteen hundred dollars.

For the salary of the President Judge of the Eighteenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Nineteenth Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Twentieth Judicial District eighteen hundred dollars.

For the salary of the President Judge of the Twenty-first Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Twenty-second Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Twenty-third Judicial District sixteen hundred dollars.

For the salary of the President Judge of the Twenty-fourth Judicial District sixteen hundred dollars.

For the payment of mileage to the President Judges of the several Judicial Districts three thousand dollars.

For the payment of the salaries and mileage of the Associate Judges of the several counties of this Commonwealth sixteen thousand five hundred dollars.

For the payment of the balance of salary due Alexander L. Hayes, late President Judge of the District Court of the city and county of Lancaster, eighteen hundred and thirty-three dollars and thirty-three cents, for arrears of salary in the years one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, and one thousand eight hundred and forty-eight. A. L. Hayes,
balance of salary.

For the payment of the balance of salary due Thomas M. Pettit, as Judge of the District Court for the city and county of Philadelphia, thirteen hundred and twenty-five dollars. Thomas M.
Pettit, balance
of salary.

For the payment of the balance of salary due Robert C. Grier, as Judge of the District Court of Allegheny county, thirteen hundred and eighty-four dollars and fifty-two cents. Robert Grier,
balance of salary.

SECTION 14. For the payment of interest on certificates issued to domestic creditors five thousand dollars. Domestic creditors.

SECTION 15. For the payment of the guaranty to the Pottsville and Danville Railroad Company by the act of the seventh day of April, one thousand eight hundred and thirty-four, sixteen thousand nine hundred and sixteen dollars and sixty-seven cents, it being the interest in full upon said guaranty up to the sixteenth day of January, A. D., one thousand eight hundred and fifty-one, the day on which said road was sold for the payment of so much as shall be due on the guaranty to the Bald Eagle and Spring Creek Navigation Company by the act of the seventh of April, one thousand eight hundred and thirty-five, ten thousand dollars; for the payment of so much as shall be due on the guaranty to the Tioga Navigation Company by the Act of the seventh of April, one thousand eight hundred and thirty-five, seven thousand five hundred dollars, or so much thereof as may be necessary; for the payment of the guaranty to the Codorus Navigation Company, by the act of the third of March, one thousand eight hundred and forty-one, six thousand dollars: *Provided*, That said six thousand dollars as the payment of the guaranty to the Codorus Navigation Company, shall not be paid until the claimants shall execute a release of any further claim upon the Commonwealth on account of said guaranty: *And provided further*, That the sums hereby appropriated shall not be paid until the semi-annual interest on the funded debt of the Commonwealth due on the first day of August shall have been paid in full. Guaranty of
Pottsville and
Danville Rail-
road Company
and Bald Eagle
and Spring
Creek Naviga-
tion Company.

Codorus Navi-
gation Com-
pany.

Proviso.

SECTION 16. For the payment of militia expenses, including salaries of brigade inspectors, five hundred dollars, no part of which shall be paid to the said brigade inspectors, or any of them, until they shall have settled their accounts as directed by law. Militia ex-
penses.

SECTION 17. For the payment of the interest of the funded debt of Interest on State
debt.

State Treasurer
authorized to
negotiate a loan
if necessary.

the Commonwealth which will fall due on the first day of August next, and the first day of February, one thousand eight hundred and fifty-two, the sum of two millions of dollars, or so much of the same as may be necessary, and the State Treasurer is hereby authorized, if it shall be necessary for the payment of the interest on the said funded debt falling due on the said first day of August next, to negotiate a loan for a sum not exceeding two hundred thousand dollars, upon the same terms and conditions as were provided for by the second section of the act entitled "An Act to provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the State, and the payment of other claims upon the Commonwealth," passed the eleventh day of April, one thousand eight hundred and forty-eight.

Ordinary and
extraordinary
repairs, &c.

SECTION 18. For the ordinary and extraordinary repairs and improvements of the canals and railroads belonging to the Commonwealth for the year ending the first day of December, one thousand eight hundred and fifty-one, the sum of one hundred and eighty-five thousand five hundred dollars, in addition to the sum of one hundred and twelve thousand dollars appropriated for repairs after the first day of December, one thousand eight hundred and fifty, by the act of the tenth of May, one thousand eight hundred and fifty, to be appropriated as follows :

For the Columbia railroad, forty-five thousand two hundred dollars.

For the Allegheny Portage railroad, thirty-five thousand dollars.

For the Eastern division, eighteen thousand seven hundred dollars.

For the Lower Juniata division, five thousand five hundred dollars.

For the Upper Juniata division, eighteen thousand dollars ; and the further sum of three hundred dollars for the construction of a road around the Eastern Reservoir, to commence at or near John Wertze's, and to intersect the road leading from Gaysport to Brook's mill.

For the Upper Western division, fourteen thousand dollars.

For the Lower Western division, nine thousand dollars.

For the Delaware division, twenty thousand dollars.

For the Susquehanna division, four thousand dollars.

For the West Branch division, seven thousand eight hundred dollars.

For the North Branch division, eight thousand dollars.

Ordinary repairs
after 1st Decem-
ber next.
Proviso.

SECTION 19. For ordinary repairs to be made after the first day of December next, one hundred and twelve thousand dollars : *Provided*, That no part of the said sum of one hundred and twelve thousand dollars shall be expended before the said first day of December next, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after such period.

Motive power.

SECTION 20. For motive power expenses for the year ending the thirtieth day of November, one thousand eight hundred and fifty-one, the sum of four hundred and seven thousand dollars in addition to the sum appropriated to this purpose by the act of tenth May, one thousand eight hundred and fifty, of seventy thousand dollars ; such sum now appropriated to be applied as follows :

To the Philadelphia and Columbia railroad two hundred and five thousand dollars, including the purchase of five new locomotive engines, and the improvement of the Parksburg shops.

To the Allegheny Portage railroad two hundred and two thousand dollars.

Motive power
after 1st Decem-
ber next.

SECTION 21. For motive power expenses from the first day of December, one thousand eight hundred and fifty-one, to the first day of April, one thousand eight hundred and fifty-two, seventy thousand dollars, to be appropriated as follows :

To the Philadelphia and Columbia railroad fifty thousand dollars.

To the Allegheny Portage railroad twenty thousand dollars : *Provi-*

Proviso.

ded, That the superintendent of the Philadelphia and Columbia railroad shall not be entitled to draw from the treasury under the appropriations contained in this act a greater amount than twenty thousand dollars, unless his accounts for previous disbursements shall have been settled in full.

SECTION 22. For the payment of collectors, toll-gatherers, weigh-masters, inspectors, lock-keepers, and the incidental expenses of their offices until the first day of April, one thousand eight hundred and fifty-two, eighty thousand eight hundred and eighty-six dollars and thirty-eight cents. Collectors, &c.

SECTION 23. For the payment of the Canal Commissioners and the expenses of their offices, six thousand three hundred and ninety-five dollars, to be appropriated as follows, viz : Canal Commissioners and expense of office.

For compensation of Canal Commissioners, four thousand three hundred and eighty dollars ; for compensation of the secretary one thousand dollars ; for extra clerk hire one hundred dollars ; for the messenger three hundred dollars ; and to Elizabeth M' Millen two hundred dollars as messenger for the year one thousand eight hundred and fifty ; for postage two hundred and sixty-five dollars ; for stationary and advertising one hundred and fifty dollars ; for lights, cleansing, and repairs of office and miscellaneous expenses, one hundred dollars.

SECTION 24. For the payment of the water power, mills, and land attached at Loyalsock creek, on the West Branch canal, purchased by the Canal Commissioners under the provisions of the act of the sixth of April, one thousand eight hundred and fifty, sixteen thousand five hundred dollars ; and the Canal Commissioners are hereby authorized, if they deem it conducive to the public interest, to dispose of said property at public sale, with the right to the purchaser to the use only of the surplus water, the proceeds of said sale to be paid into the State Treasury. Water power, mills, &c., at Loyalsock creek purchased by Canal Commissioners.

SECTION 25. For rebuilding the towing-path and road bridge over the river Susquehanna at Clark's Ferry, the sum of twenty-two thousand dollars. Clark's Ferry Bridge.

SECTION 26. For the payment of debts contracted for motive power repairs and damage by flood during the fiscal year ending the thirtieth day of November, one thousand eight hundred and fifty, one hundred and four thousand five hundred and eighteen dollars and twenty-five cents, to be appropriated as follows : Debts for motive power, repairs and damages by flood for year ending 30th November, 1850.

For the Philadelphia and Columbia railroad five thousand five hundred and sixty-two dollars and fifty cents ; for the Allegheny Portage railroad six thousand three hundred and three dollars and twenty-seven cents ; for the Eastern division five thousand eight hundred and seventy-six dollars and eighty-six cents ; for the Lower Juniata division two thousand four hundred and eleven dollars and six cents ; for the Upper Juniata division three thousand three hundred and thirty-five dollars ; for the Upper Western division four thousand one hundred and ninety dollars and ninety-three cents ; for the Lower Western division six thousand one hundred and sixty-nine dollars and ninety-two cents ; for the Delaware division sixteen thousand six hundred and seventy-five dollars and seventy-one cents ; for the West Branch division two thousand eight hundred and twenty-seven dollars and thirty-nine cents ; for the North Branch division two thousand one hundred and eighty-nine dollars ; and for motive power debts for the same period on the Columbia railroad twenty-six thousand and eighty-five dollars and thirty-four cents ; and on the Allegheny Portage railroad twenty-two thousand nine hundred and forty-one dollars and twenty-four cents.

Debts for repairs for year ending 30th November, 1819.

SECTION 27. For the payment of debts contracted for repairs during the fiscal year ending November thirtieth, one thousand eight hundred and forty-nine, seven thousand seven hundred and sixty-eight dollars and twenty-four cents, to be appropriated as follows :

To the Columbia railroad one thousand and ninety dollars and twenty-three cents ; to the Allegheny Portage railroad four thousand three hundred and fifty-one dollars and thirty-four cents ; to the Eastern division three hundred and five dollars and eighty-nine cents ; to the Lower Juniata division two hundred and twenty dollars and seventy-eight cents ; to the North Branch division one thousand eight hundred dollars.

Motive power debts contracted previous to 1st Dec., 1819.

SECTION 28. For the payment of motive power debts contracted previous to the first day of December, one thousand eight hundred and forty-nine, twelve thousand and forty-two dollars and ninety cents, to be appropriated as follows :

To the Columbia railroad three thousand eight hundred and eighty dollars ; to the Allegheny Portage railroad eight thousand one hundred and sixty-two dollars and ninety cents.

Farm bridges.

SECTION 29. For the repair of road and farm bridges on the canals and railroads of the Commonwealth twenty-five thousand dollars.

Damages by flood or fire.

SECTION 30. For the repair of any damage which may be done to any portion of the public works by flood or fire, the sum of fifty thousand dollars : *Provided*, That before any part of said sum shall be drawn from the treasury the Canal Commissioners shall certify to the State Treasurer and Auditor General the nature and extent of such damages, and the amount, as near as may be, that will be required to repair the same, and if the State Treasurer and Auditor General shall concur in the necessity of making such repairs, the amount required for that purpose not exceeding the sum hereby appropriated, may be advanced to the proper disbursing officer or officers.

When appropriations to be paid.

SECTION 31. That the appropriations by this act applicable to the repairs and motive power expenses of the canals and railroads of the Commonwealth, may be paid out as the interest of the public service requires, at any time after the passage of this act.

Gas meter and keeping in repair, &c., the public grounds.

SECTION 32. For removing the gas meter vault to a more suitable location and keeping in repair and improving the public grounds, a sum not exceeding four hundred dollars, to be disbursed by the Secretary of the Commonwealth and Auditor General, whose accounts for the disbursement of the same shall be settled in the usual manner.

State Library.

For the State Library five hundred dollars, to be disbursed under the direction of the joint committee on the Library by the chairman thereof, the accounts of such disbursements to be settled on or before the first day of June, one thousand eight hundred and fifty-two, in the usual manner.

Painting capitol and repairs.

For painting the Capitol, and Auditor General's, State Treasurer's, and Secretary of the Commonwealth's offices, and for repairs to said buildings, six hundred dollars, to be disbursed under the direction of the Secretary of the Commonwealth, whose accounts shall be settled in the usual manner : *Provided* That from and after the present year, all moneys appropriated for the use of the Library, shall be drawn and disbursed by the Secretary of the Commonwealth, whose accounts shall be settled at the time and in the manner heretofore provided.

Proviso.

Salaries of officers of Eastern and Western Penitentiaries.

SECTION 33. For the payment of the salaries of officers in the Eastern Penitentiary eight thousand dollars ; for the payment of salaries of officers in the Western Penitentiary six thousand dollars : *Provided*, That the amount of salaries to be paid to said officers shall be fixed by the respective boards of inspectors, and shall in no case exceed

the rates allowed prior to the act of the seventeenth of April, one thousand eight hundred and forty-three; for the payment of gratuities to convicts discharged from the said penitentiaries one thousand dollars, two-thirds of which said sum shall be appropriated to the Eastern, and the remaining third to the Western Penitentiary.

SECTION 34. For the House of Refuge of Philadelphia six thousand dollars, in accordance with the provisions of an act passed during the present session of the Legislature; for the Pennsylvania Institution for the instruction of the blind twelve thousand dollars; for the instruction of indigent pupils in the Pennsylvania Institution for the deaf and dumb, fifteen thousand dollars; for the Pennsylvania State Lunatic Hospital for additional heating apparatus, gas fixtures, and alterations, five thousand dollars, to be disbursed in the manner provided by law.

House of Refuge.
Pennsylvania institutions for the blind and deaf and dumb.
Pennsylvania State Lunatic Hospital.

SECTION 35. For amount due to Krider and Anderson for repairs done to the fence on the north side of the public grounds, the sum of twenty-five dollars; for the balance due for the repairs of and furnishing the Executive chamber one hundred and thirty-seven dollars and nine cents, as per the third paragraph of the first section of the act approved the tenth day of April, one thousand eight hundred and forty-nine, said accounts to be settled in the usual manner.

Krider and Anderson for repairs.

SECTION 36. That the appropriation of forty-five thousand dollars towards the completion of the Western Reservoir, made by the act of the tenth of May, one thousand eight hundred and fifty, is hereby extended to the present year, and (in case the contractors for the doing of said work shall not proceed therewith according to their contract, in a manner satisfactory to and as directed by the Canal Commissioners) that the Canal Commissioners are hereby directed forthwith to relet the same, in such manner as shall be most advantageous to the interest of the Commonwealth.

Western reservoir.

SECTION 37. For miscellaneous expenses four thousand dollars, one thousand dollars of which sum shall be applied to the payment of the reward offered by the Governor on the nineteenth day of September, one thousand eight hundred and fifty, for the apprehension and conviction of the incendiary or incendiaries who burnt the towing path and road bridge across the Susquehanna river at Clark's Ferry: *Provided*, The Court of Quarter Sessions of Dauphin county shall at the first term of said court held after the passage of this act, hear the claimants for said reward, and make such distribution thereof to such person or persons as may in the opinion of said court be legally entitled to the whole or any portion thereof; and upon the presentation to the State Treasurer of a certified copy of said distribution by said court, the State Treasurer be, and he is hereby authorized and required to pay the warrant for one thousand dollars, drawn by the Governor on the second day of January, one thousand eight hundred and fifty-one, in favor of Thomas L. Wilson, to such person or persons as may be designated in the said certificate of said court, according to the amount respectively awarded to him or them.

Miscellaneous expenses.

SECTION 38. For the purpose of raising and protecting the bank of the river Susquehanna on the eastern side of the pool of the Shamokin dam, in front of and immediately adjoining the borough of Sunbury, from further inundations and injuries, the sum of three thousand dollars, to be expended under the direction of the Board of Canal Commissioners.

Shamokin dam.

SECTION 39. To the Auditor General one hundred and thirty-five dollars for superintending the sale, including his expenses, of the stock owned by the Commonwealth in the Chambersburg and Bedford, and in the Bedford and Stoystown turnpike roads, in pursuance of the act of the twenty-sixth of April, one thousand eight hundred and fifty.

Auditor General for superintending sales, &c.

West Philadel-
phia railroad.

Proviso.

Proviso.

Thomas J.
Power ap-
pointed auditor.

Said auditor to
make report.

Pay of auditor.

Sale of part of
the Philadelphia
and Columbia
railroad.

SECTION 40. That the sum of forty thousand one hundred and eighty dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay for that portion of the West Philadelphia railroad which has been appropriated and is now used by the Commonwealth in the construction of the railroad to avoid the inclined plane at the Schuylkill, the one-half of said appropriation to be distributed pro rata among the original contractors on said West Philadelphia railroad, according to the amounts respectively due them, said amounts to be ascertained as is hereinafter provided; the other half of said appropriation to be distributed pro rata among the stockholders of said company in proportion to the amount of stock paid in by them respectively, except such shares as were forfeited: *Provided*, That such persons or companies, contractors as aforesaid, who may have taken the stock of the said railroad company in payment of their contracts, shall be held to be contractors, and the stock so taken by them shall be deemed and taken to be forfeited stock: *Provided*, That before said claimants shall receive any portion of the aforesaid appropriation, they shall execute a release in full to the Commonwealth to all claim for any further damages.

SECTION 41. That Thomas J. Power be, and he is hereby appointed auditor for the purpose of investigating and ascertaining the amounts due by the said West Philadelphia Railroad Company to the several contractors on said road due and unpaid, and that the said auditor be authorized and empowered to summon before him and compel the attendance of any person or persons whom he may deem necessary in the investigation and distribution of said appropriation, and also to compel the production of all books, papers, estimates, and other documents necessary to a full investigation of the same.

SECTION 42. That as soon as the said auditor shall have completed his investigation of the claims aforesaid, he shall make report to the Canal Commissioners of the amount or amounts which he may find to be due to the respective contractors on the said West Philadelphia railroad, together with a statement showing the sums due to them respectively, according to the mode of distribution, as hereinbefore provided for, and also the amount due to the respective stockholders of said West Philadelphia railroad as aforesaid, and the said Canal Commissioners on such report being made to them are hereby authorized and required to draw their warrant or warrants on the State Treasurer for the sums of money awarded to the several contractors and stockholders by the said auditor.

SECTION 43. That the said auditor shall receive a per diem pay of five dollars for the time necessarily employed by him in the discharge of his duties; he shall also be allowed a clerk at a per diem pay of three dollars: *Provided*, The amount charged by said auditor and clerk shall not exceed the sum of one hundred and eighty dollars, said amount to be first deducted from the aforesaid appropriation before distribution thereof, and also such other expenses as may necessarily attend the investigation and distribution the account of said auditor to be audited and passed by the Auditor General as like accounts are now settled.

SECTION 44. That the Canal Commissioners be, and they are hereby authorized at any time after the passage of this act, to give public notice by a least three weeks' publication in two daily newspapers published in the city of Philadelphia, that all that part of the Philadelphia and Columbia railroad, from the foot of the Schuylkill Inclined Plane to the intersection of the railway, constructed for the purpose of avoiding said plane, will be for sale, and the said commissioners in such notice shall name some definite period up to which they will receive

sealed proposals for the purchase of said portion of said railroad; upon examination of said proposals, if the terms and price of any of them be satisfactory to said commissioners, they are hereby authorized to dispose of the same to the highest and best bidder or bidders upon receiving payment of the proposed price or security therefor according to the terms offered, and to convey the property so to be purchased to the bidder or bidders to whom the same may be allotted; but if none of the proposals be satisfactory to said commissioners, they may then sell the said property either at public or private sale, as they may judge to be proper, giving due notice of the same, for the highest and best price and upon the most favorable terms, exceeding such before mentioned proposals, as they may be able to procure, the proceeds of said sale to be paid into the State Treasury, and applied on the warrant of the said Canal Commissioners, to the improvements of the tracks of the Philadelphia and Columbia railroad: *Provided*, That if the said portion of said railroad shall be purchased by any persons other than an incorporated railroad company, the Governor is hereby authorized to issue letters patent conferring upon such persons all the rights, privileges, and immunities of a body corporate and politic, subject to all the provisions and restrictions of the act regulating railroad companies, passed the nineteenth day of February, one thousand eight hundred and forty-nine, with a capital stock not exceeding three hundred dollars, divided into shares as provided by said act. Proviso.

SECTION 45. To Richard M'Alister, for professional services in the case of the Commonwealth against Joseph Millikin, who was indicted and convicted for the burning of the Clark's Ferry bridge, and in the case of the Commonwealth against Daniel M'Cook, three hundred dollars. Richard M'Alister, for professional services.

SECTION 46. To James Fox, for professional services in the case of the Commonwealth vs. Joseph Millikin, two hundred dollars. James Fox, Esq., for professional services.

SECTION 47. To Jared Irvine for damages sustained in consequence of the construction of the Erie extension of the Pennsylvania canal, fifty dollars. Jared Irvine, for damages.

To the heirs of William P. Price, for compensation for injury done to certain lots in Jersey Shore, Lycoming county, by the construction of the West Branch division of the Pennsylvania canal, one hundred dollars. Wm. P. Price, for relief of heirs of.

To Asa Adams, of Crawford county, one hundred dollars, the same sum appropriated to him in the general appropriation bill of one thousand eight hundred and forty-nine. Asa Adams.

To Samuel Power, former superintendent on the Beaver division of the Pennsylvania canal, seventy-one dollars and twenty-seven cents, that being the amount of vouchers of said superintendent remaining unsettled in the Auditor General's office. Samuel Power.

To William Linn, of Westmoreland county, twenty dollars, the amount due him per act of the twenty-ninth of March, one thousand eight hundred and thirteen, for services as a soldier in the war of eighteen hundred and twelve. Wm. Linn.

To Mary Byers, for undrawn pension of her husband, Samuel Byers, deceased, forty dollars. Mary Byers.

For damages awarded by the Canal Commissioners in pursuance of existing laws, the following sums:

To Andrew Bahae, for damages to grain and hay by sparks from a locomotive engine, fifty dollars. Andrew Bahae.

To William Clark, for damages to woodland caused by sparks from a locomotive engine, fifty dollars. Wm. Clarke.

To David M'Micken, for damages to land by the construction of the West Branch canal, and for lock house lot, three hundred dollars. David M'Micken.

- John M'Cahen. To John M'Cahen, one hundred and ninety-three dollars for fence.
- Catharine Henderson. To Catharine Henderson, for damage to house caused by sparks from a locomotive engine, one hundred dollars.
- Hiram Cleaver. To Hiram Cleaver, for destruction of barn by sparks from a locomotive engine, seven hundred dollars.
- Jesse Hyselman. To Jesse Hyselman, for destruction of grain and hay by sparks from a locomotive engine, seven hundred and fifty dollars.
- John Malin. To John Malin, for damage to woodland by sparks from a locomotive engine, one hundred and eighty dollars.
- Heirs of John Rhea, deceased. To the heirs of James Rhea, deceased, for damage to land by the construction of the Gettysburg railroad, one hundred and thirty-two dollars.
- Robert Lytle. To Robert Lytle, for damage to cars, five hundred and fifty dollars.
- John Miller. To John Miller, for damage to cars by fire, five hundred dollars.
- Samuel Black. To Samuel Black, for damage to land by French creek canal, four hundred dollars.
- Wm. A. Petriken. To William A. Petriken, for destruction of land and dwelling house in consequence of the construction of the Muncy dam, nine hundred and ten dollars.
- Robert Montgomery. To Robert Montgomery, for destruction of land in consequence of the construction of the Muncy dam, five hundred dollars.
- John Webster. To John Webster, for the destruction of a barn and its contents by fire, eight hundred dollars.
- Fred. Address. To Frederick Address, for the destruction of hay by fire, ten dollars.
- Amos Addis. To Amos Addis, for the past and future use of his patented improvement in the schutes of dams, four hundred dollars.
- Wm. Edge. To William Edge two hundred and fifty dollars, for cars destroyed on the Columbia railroad.
- Rob't Knowles, deceased. To Benjamin Taylor and Benjamin P. Tomlinson, administrators of the estate of Robert Knowles, deceased, for damages sustained in the construction of the Delaware division, one hundred and fifty dollars.
- Heirs of James Mehaffy, deceased. To the heirs of the late James Mehaffy for damages sustained in consequence of a breach in the Pennsylvania canal at Marietta, Lancaster county, five hundred dollars.
- Maurice Bredin. To Maurice Bredin the sum of one hundred and sixty-one dollars and eighty-seven cents, for amount overpaid by him as surety of James Frazier, deceased, former treasurer of Butler county.
- Thayer and Richardson. To Thayer and Richardson sixty-four dollars and sixty-four cents.
- Sterrett Ramsey in trust. That the State Treasurer be, and he is hereby directed to pay to Sterrett Ramsey in trust for the heirs of William Ramsey, late of the county of Cumberland, three thousand nine hundred and thirty-four dollars and seventy cents, which is to be receipted in full for all claims upon the Commonwealth: *Provided*, That said Trustee and the heirs and legal representatives of the said William Ramsey, before receiving said money, shall release to the Commonwealth all claims, demands, and interest in any part of the land for which the judgment was given by William Ramsey in his life-time, upon which the money was received by the Commonwealth.
- George Humphreys. To George Humphreys two hundred and fifty dollars, for injuries sustained in removing obstructions from the Philadelphia and Columbia railroad.
- Michael D. Kelly. To Michael D. Kelly, Sergeant-at-Arms of the House of Representatives, forty-four dollars and forty cents for serving subpoenas on witnesses, including mileage, in the matter of the investigation into the affairs of the Montgomery County Bank.

That the Auditor General be, and he is hereby authorized and required to audit and settle the accounts of the clerk and witnesses who testified before the Committee on Banks at the recent investigation into the affairs of the Montgomery County Bank, and draw his warrant on the State Treasurer for the amounts due them respectively.

Clerk and witnesses of committee on banks.

SECTION 48. For the completion of the North Branch Canal the sum of one hundred and seventy-five thousand dollars; and, also, to avoid the planes on the Allegheny Portage Railroad the sum of one hundred and seventy-five thousand dollars—to be expended by the Canal Commissioners on the western slope of the Allegheny mountain: *Provided*, That any money in the treasury not otherwise appropriated is hereby appropriated to the completion of the North Branch Canal, and also towards avoiding the inclined planes on the Portage Railroad on the western slope of the Allegheny mountain, the one-half thereof to be applied to each of said improvements; and that the proceeds from the sale of the old materials and fixtures from that portion of the said Allegheny Portage Railroad rendered useless by the change hereinbefore proposed, are also specifically appropriated to aid in defraying the expenses that may be incurred thereby: The Canal Commissioners are hereby authorized to do all necessary acts and things required to perform the duties enjoined on them by this section, according to the intent and meaning thereof, and they are hereby required to report all their acts and doings under this act to the Legislature.

North Branch Canal.

SECTION 49. To the school directors of the Westtown school district, of Chester county, it being twenty-five per cent. of moneys paid by said district for State purposes during the two school years of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, which they were authorized to retain under the provisions of the act of April the eleventh, one thousand eight hundred and forty-eight, entitled "An Act to provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the State, and the payment of other claims upon the Commonwealth," five hundred and thirty-three dollars and ten cents.

School directors of Westtown, Chester county.

To the school directors of Washington township, York county, three hundred and fifty dollars, or so much thereof as may be necessary for said purpose, being twenty-five per cent. of their State tax paid by said district for State purposes during the two years one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, which they were authorized to retain under the act of eleventh of April, one thousand eight hundred and forty-eight, entitled "An Act to provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the State, and the payment of other claims upon the Commonwealth."

School directors of Washington township, York county.

To the Treasurer of East Brunswick school district, in Schuylkill county, the sum of fifty-six dollars and forty cents, being the amount due said district for the school year eighteen hundred and forty-nine.

East Brunswick school district, Schuylkill county.

SECTION 50. That from and after the passage of this act, the daily pay of the manager and foreman in the Parkesburgh shops on the Columbia Railroad shall be three dollars; and the daily pay of the firemen on the Columbia and Portage Railroad shall be one dollar and fifty cents per day.

Manager and foreman of the Parkesburgh shops, pay of.

SECTION 51. For repairing and putting in order the schute and eastern abutment of the Shamokin dam on the Susquehanna Division, three thousand dollars in addition to the sum of two thousand dollars appropriated to said purpose by the act of the tenth of May, one thousand eight hundred and fifty.

Repairing schute Shamokin dam.

Records in Surveyor General's office. SECTION 52. That the sum of three hundred and fifty dollars is hereby appropriated for binding such records in the Surveyor General's office as may require it.

Wheeling and Belmont Bridge Company. SECTION 53. That the Governor be authorized to draw his warrant on the State Treasurer for such sum as the Supreme Court of the United States may direct to be paid by the State of Pennsylvania, towards the costs and expenses of the suit pending in said Court by the State of Pennsylvania against the Wheeling and Belmont Bridge Company and others, and that the amount of said warrant be paid out of any money in the treasury not otherwise appropriated.

Sergeant-at-arms, Door-keeper, &c. SECTION 54. To the Sergeant-at-Arms, Doorkeeper, and Messenger of each house, and their assistants, the sum of thirty dollars each, in addition to the pay now allowed by law for their attendance during the present session.

State Treasurer authorized to negotiate a loan, &c. SECTION 55. That the State Treasurer be, and he is hereby authorized to negotiate a loan of ninety-eight thousand dollars at a rate of interest not to exceed six per cent. re-imburseable as soon after the first of December next as the same amount shall have been paid into the Treasury by the Reading Railroad Company on their purchase of the Schuylkill viaduct and railroad east of that point to Broad and Vine streets; said money to be drawn on the warrant of the Canal Commissioners, and shall be immediately applied to improving the curves on the Columbia railroad.

Board of Revenue Commissioners. SECTION 56. For compensation and contingent expenses of the Board of Revenue Commissioners, three thousand five hundred.

Clerks and assistant clerks of the Legislature, additional compensation allowed to. SECTION 57. That the Clerks and Assistant Clerks of both branches of the Legislature shall have in addition to the present compensation one hundred dollars each; and the Transcribing Clerks fifty dollars each; to John Smull thirty dollars extra compensation for services as Page of the House of Representatives.

Money not to be drawn from the treasury contrary to the provisions of certain acts. SECTION 58. That no money shall be drawn from the Treasury of the Commonwealth by virtue of this act contrary to the provisions of the forty-eighth section of the act entitled "An Act to reduce the State debt, and to incorporate the Pennsylvania Canal and Railroad Company," approved the twenty-ninth day of April, one thousand eight hundred and forty-four, or to the provisions of the act of the tenth of April, one thousand eight hundred and forty-nine, entitled "An Act to create a Sinking Fund, and provide for the gradual and certain extinguishment of the debt of the Commonwealth."

Appropriations in this act being more than sufficient, balance to remain in treasury. SECTION 59. That if any appropriation made by this act for any of the purposes therein specified shall be more than sufficient for such purpose, the balance shall not be applied to any other purpose, but shall remain in the Treasury to be accounted for and added to the receipts of the next year by the State Treasurer in his annual report.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 360.

A SUPPLEMENT

To the act entitled "An Act to incorporate the Bear Valley Coal Company," passed twelfth day of June, one thousand eight hundred and thirty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for the completion of the railroad authorized to be constructed by this company be, and the same is hereby extended for the term of seven years; and the said company are hereby authorized so to locate and construct their road as to connect with any other railroad leading into the coal region.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 361.

A N A C T

To supply the charter and confirm the title to certain real estate of the rector, church-wardens, and vestry-men of Calvary Church, Rockdale, Delaware county.

WHEREAS, The constitution of the rector, church-wardens, and vestry-men of Calvary Church, Rockdale, Delaware county, was read in the Supreme Court of this Commonwealth on the twenty-fifth day of April, one thousand eight hundred and thirty-seven, and duly allowed as appears by the minutes of said court;

And whereas, Said corporation became the owners of certain real estate in Rockdale, Delaware county, upon which has been erected a church edifice and a burial ground laid out;

And whereas, Said charter having been lost or mislaid before the same was enrolled in the office of the Secretary of the Commonwealth as required by law, the title to said church and burial ground and to sundry lots which have been sold for the purpose of making interments

therein is liable to be brought in question, now for the purpose of remedying the loss of said charter and perfecting the title to said real estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said the rector, church-wardens, and vestry-men of Cavalry Church, Rockdale, Delaware county, shall have and enjoy all the powers and privileges, and be subject to all the liabilities of other associations, for the purpose of worshipping Almighty God according to the faith and discipline of the Protestant Episcopal Church of the United States of America, and with the same form of charter as is recommended by the fifth section of the revised regulations of the Protestant Episcopal Church in the State of Pennsylvania, and was allowed to them by the Supreme Court as above stated.

SECTION 2. That the title of the rector, church-wardens, and vestry-men of Calvary Church, Rockdale, Delaware county, and of all persons claiming under them to the church edifice, burial ground, and real estate in Rockdale, Delaware county, be, and the same is hereby declared to be as valid and effectual in law as if said charter had been regularly enrolled in the office of the Secretary of the Commonwealth, and all the requirements of the law had been fully complied with at the proper time.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 362.

A N A C T

To incorporate the Upper Ten Mile Plank Road Company in Washington county.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Wier, Robert Wallace, Mathias Minton, Joseph Clark, Leonard Vale, Hugh A. Johnson, James G. Strain, Alexander Swesney, Thomas Ringland, and Richard McClelland, or any five of them, be, and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "Upper Ten Mile Plank Road Company," with power to construct a plank road commencing at the south end of Main street, in the borough of Wash-

Style.

Location.

ington, to the village of Prosperity on the farm of R. Wallace, in Morris township, with power to extend the same in the direction of Waynesburg, Greene county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of twelve hundred shares of twenty-five dollars per share, with power to extend said capital to such sum as may be necessary for the extension of said road. Capital stock.

SECTION 3. That if said company shall not commence the construction of said road within two years, and complete at least four miles, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the said company. Commencement and completion of road.

SECTION 4. That said company shall be authorized to make a Macadamized turnpike upon such part of said road as cannot be brought within a grade of three degrees. Macadamised road.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 363.

AN ACT.

Authorizing the Governor to incorporate the Butler, Callensburg, and Clarion Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Doctor W. A. Bawser, J. B. Reynolds, Abraham Frampton, F. G. Creary, Reynolds Laughlin, D. James Cummins, Wm. Elliott, Thomas Elliott, J. P. Lyon, John Elliott, senior, Thomas M'Culloch, Thomas Cathers, William Lewis, John Baker, Robert Stewart, Samuel A. Purviance, Samuel M. Lane, William Beaty, John Bredin, Alfred Gilmore, George W. Smith, Charles C. Sullivan, James Campbell, William Campbell, George W. Reed, Jacob Zigler, William Haslett, George W. Gettys, Michael Zimmerman, John H. Negley, Edward M. Bradin, Jacob Meeling, junior, John Gilchrist, William McCafferty, Elisher Robinson, William Robinson, Fulerion Parker, Thomas Fletcher, Fergus Huchison, William Kears, John Scott, David Kelly, William Adams, Thomas McCleary, M. Gellespea, Edward Graham, Andrew Commissioners.

Donaldson, Robert Thorn, Samuel Jack, John Badger, Jacob Sleppy, Andrew Simpson, John Duffy, John Pollock, James McMahan, of Butler, Armstrong, and Clarion counties, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Butler, Callensburg, and Clarion Plank Road Company," with power to construct a plank road from the borough of Butler, in the county of Butler, by way of Callensburg to Clarion, in the county of Clarion, by the nearest and best route or routes as the stockholders may determine upon, subject to all provisions and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of said act relating to tolls which discriminate in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to width in any case.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Subscriptions to stock.

Commencement and completion of road.

SECTION 2. That the capital of said company shall consist of four thousand shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the then capital stock so much as in their opinion may be necessary to complete the road or roads and to carry out the true intent of this act.

SECTION 3. The county of Clarion, the county of Butler, the borough of Clarion, or the borough of Butler, or any township, ward, or borough in either of said counties or in the county of Armstrong, shall have power to hold any amount of stock which may be subscribed by the commissioners of said counties, or the supervisors or street commissioner of boroughs and townships: *Provided*, That no subscription shall be legal by townships or boroughs until it shall be determined by a vote of the citizens thereof at an election previous to taking such subscription.

SECTION 4. This law shall be null and void: *Provided*, That said company shall not commence said road within three years, and complete the same within ten years from the passage of this act, except so far as may be necessary to pay the debts of said company and wind up their business.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 364.

AN ACT

Entitled "An Act to incorporate the Trout Run and Blossburg Plank Road Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Drum, John Reed, Samuel Dale, Joseph H. Allen, Joseph Hall, Jeremiah Black, J. G. Albeck, Isaac Werline, Robert Clendenin, Cornelius P. Field, Friend Whitlock, Joseph Yonkin, Clarendon Rathbone, Benjamin R. Hall, Thomas Ostrum, James C. Loshe, John Evans, Edwin Andrus, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Trout Run and Blossburg Plank Road Company," to locate and construct a plank road from a point at or near the mouth of Trout run, in Lycoming county, by way of Whitlock's steam mills and Old Block House to Blossburg, in Tioga county, subject to the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are not inconsistent with this and the following sections. Commissioners.
Style.
Location.
Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares, at twenty-five dollars per share: *Provided*, Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act. Capital stock.

SECTION 3. That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same. Commence-ment and completion of road.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 365.

AN ACT

To authorize the Governor to incorporate the Uniontown Water Company, in Dauphin county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners.

Jacob Wiest, sen., John Shott, Peter Bowman, Abraham Bohner, Isaac Mathias, Abraham Harmern, Jacob Hoffman, Daniel Brua, Jonathan Swabe, John R. Riggle, and Elijah Byerly, or any four of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned; that is to say, they shall on or before the first day of June next procure a book and enter therein as follows:

Form of subscription.

"We, the subscribers, promise to pay to the president and managers of the Uniontown Water Company the sum of ten dollars for every share set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the said company, in pursuance of an act of the General Assembly entitled 'An Act authorizing the Governor to incorporate the Uniontown Water Company.' Witness our hands the day of in the year of our Lord, one thousand eight hundred and fifty-one." And shall thereupon give public notice in handbills or otherwise within the said town of Uniontown, and township of Mifflin, for the space of two weeks or more, when and where within the said town the said book will be opened to receive subscriptions of stock, at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names or in the names of others when they shall appear to be duly authorized, to subscribe for any number of shares in the said book not exceeding five on the first day. And the said book shall be kept open for three successive days, unless one hundred shares shall be sooner subscribed; and if within the said three days the said one hundred shares shall not be subscribed, then the said commissioners or the officers of the company, after the same shall have been organized, may at any time afterwards open the book for the subscription of shares until the whole number aforesaid shall be subscribed: *Provided*, That every person offering to subscribe in the said book in his own name or the name of any other person shall previously pay to the attending commissioners or officers one dollar for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of said corporation as soon as the same shall be organized and the officers chosen as is hereinafter mentioned.

SECTION 2. That when twenty or more persons shall have subscribed fifty or more shares of the said stock, the commissioners shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each, to the Governor of this Commonwealth, and thereupon it shall be lawful for the Governor, under his hand and the seal of the State, to create and erect the subscribers, and

also those who shall afterwards subscribe, and their assigns, into one body politic and corporate in deed and in law, by the name, style, and title, of "The Uniontown Water Company," by which name the said subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscription, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, their successors and assigns, and of selling and transferring in fee simple or for any less estate, such lands, tenements, hereditaments, and estate, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That any three or more of the said commissioners shall as soon as conveniently may be after the letters patent are obtained, give at least ten days' notice by handbills or otherwise put up in the town of Uniontown, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot from among the stockholders seven managers to conduct the affairs of said company until the second Monday of July then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him. And the said managers shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock. And the said president and managers shall appoint one of the stockholders residing in the said town, and not being a member of the board, treasurer of the company, and shall also have power to appoint such other officers and agents as may be necessary. And the elections for officers thereafter shall be held annually on the second Monday of September, at such place within the said town as may be appointed by the managers, of which at least ten days' notice shall be given by handbills or otherwise; and when vacancies happen the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no misnomer or failure of election of officers on the day appointed shall discontinue or dissolve the said corporation; but the managers and officers shall continue in office until a new election, which shall be made at such time and place within the said town, and after such notice as the board of managers may prescribe.

SECTION 4. That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate signed by president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share held by him or her as soon as five dollars shall be paid on such share; and every such certificate shall be transferable in person or by attorney duly authorized in the presence of two creditable witnesses, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits, and emoluments to which he would have been entitled if he had been an original subscriber.

SECTION 5. That the president and managers, or any five of them, shall have power to adopt such by-laws and regulations as do not contravene the Constitution and laws of the United States or of this Commonwealth, and may be necessary and expedient for the well-governing the affairs of the company; and they shall also have power to call special

meetings of the company whenever any circumstances occur which may render it necessary to consult them.

Quorum.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by the by-laws; and when met, five members shall be a quorum; and in the absence of the president a chairman may be chosen of the number met, and all their transactions as well as every matter and thing relating to the affairs of the corporation shall be entered in a book or books to be kept for such purpose; and a quorum being formed, they shall have full power to employ and contract with the engineers, artists, and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter, and repair the same; and also to fix the times and manner, and in what proportion the stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules, and regulations, and generally to do all such other matters and things as by this act or their by-laws, rules, and regulations they shall be authorized to do.

Duties of president and managers.

SECTION 7. That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, to proceed to bring and convey into the town of Uniontown by means of pipes, trunks, aqueduct, forcing pumps, or other machinery, some spring or stream of water from the neighborhood of said town, the right to which shall have previously been vested in the said company; and also to provide proper cisterns or reservoirs for the reception thereof; and for that purpose they may enter into such lands and enclosures as may be necessary, and to dig ditches and lay pipes or trunks through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done to them when the parties cannot agree according to an assessment made under oath or affirmation by three disinterested persons to be appointed on application by the Court of Common Pleas in and for the county in which the lands lie; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the said pipes or trunks wherever laid; and shall also have liberty at all times to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said town, and to renew and repair the same, shutting up and amending any breaches which they may respectively make as soon as possible; and it shall be lawful for them to make cisterns or reservoirs in the streets or public grounds of said town, where the same may be deemed necessary.

Hydrants.

SECTION 8. That the said president and managers shall in such streets or parts of said town where pipes shall have been laid, erect hydrants to be used solely for extinguishing fires; and they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers; and such individuals according to certain uniform rates which the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume, and to their distance from the place where the water is to be drawn. And any person within the said town who shall take any of the said water for domestic or manufacturing use without having previously contracted for the same with said president and managers, shall forfeit and pay for every such offence the sum of one dollar to the said president and managers, to be recovered before a justice of the peace in the same manner as debts of equal amount are now recoverable: *Provided*, That nothing herein contained shall be construed to compel the inhabi-

tante of the said town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

SECTION 9. That the president and managers shall call in the capital stock of the company by instalments, as the same may be required for the prosecution of the said work; and if any stockholder shall neglect to pay his instalments after thirty days' public notice by handbills or otherwise in the said town, then payment thereof may be enforced as in other cases; and whenever the debts of the said company shall have been paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in half-yearly on the first Monday in January and July in each year, and shall publish the said dividend and the place where the same will be paid, and shall cause the same to be paid accordingly.

Forfeiture of stock.

SECTION 10. That every person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, or reservoirs, hydrants, buildings, or machinery, or any of them, or any of the works of said company erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome, the spring or stream of water which shall be conveyed and brought in the town of Uniontown by the said company, shall on being thereof convicted before any justice of the peace in and for the county of Dauphin, by the oath or affirmation of one or more creditable witnesses, pay a fine not less than five nor more than twenty dollars—one-half to the use of the poor of the town, and the other half to the informer.

Injuries, punishment for.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 366.

AN ACT

To incorporate the Bache Institute of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the members of the Bache Institute of the Central High School of Philadelphia, and such other persons as may hereafter become associated with, whether minors or adults, shall be and they are hereby declared to be a body politic and corporate by the name, style, and title, of "The Bache Institute of Philadelphia," to have perpetual succession, to sue and be sued, plead and be impleaded, in all courts of

Style.

Privileges.

record and elsewhere, to have and use a common seal, and break, alter, and renew the same at pleasure, to take, hold, receive, and enjoy lands, tenements, and hereditaments to them and their successors, and generally do all other acts and enjoy all other powers and privileges incident to similar corporations under the laws of this Commonwealth: *Provided*, That the clear yearly income of the estate and property held by them shall not exceed the sum of two thousand dollars.

SECTION 2. The objects of the said corporation shall be the promotion and encouragement of literary and scientific pursuits; and they shall be empowered to devise, adopt, and execute all such measures as they may deem proper and expedient for the accomplishment of these objects.

By-laws.

SECTION 3. That the said corporation shall have full power and authority to make such rules and by-laws as they shall consider necessary for the regulation and government of said corporation and promotion of its interests, and to alter, add to, and amend the same in such manner as they may deem expedient. The constitution and by-laws of the said institute now in force shall be good and valid until altered, amended, or abrogated by said corporation: *Provided*, That no rule or by-law as aforesaid shall be repugnant to nor inconsistent with the Constitution or laws of the United States or of this Commonwealth.

Officers.

SECTION 4. That the officers of the said corporation shall be a president, vice president, corresponding secretary, recording secretary, treasurer, librarian, editor, and registrar, and such other officers as the said corporation shall deem expedient, and shall from time to time create. The said corporation shall have power also to abolish any of said offices which they shall at any time consider useless and unnecessary. The said officers shall be elected at such times and in such manner as the constitution and rules of said corporation may direct; and if an election shall not be held at the time appointed for that purpose, the corporation shall not for that cause be dissolved, but an election shall be held as soon afterwards as may be, and until such election the officers in place shall continue to act. The present officers of the said institute are hereby constituted the officers of the corporation hereby created, and shall continue to hold their respective offices in accordance with the provisions of the constitution.

Misnomer.

SECTION 5. No misnomer of said corporation shall defeat or annul any gift, grant, conveyance, devise, or bequest to or for the use of said corporation: *Provided*, It shall appear upon the face of the instrument that it was the intention of the party or parties making or executing the same that the estate or interest therein mentioned should pass to said corporation.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 367.

AN ACT

Authorizing the laying out of a State road from Ringgold, in Jefferson county, to Kittanning, in Armstrong county, incorporating the Ceres and Oswago Plank Road Company, and annulling the marriage contract between John Savery and Elizabeth his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Robert M'Farland, Esq., of Jefferson county, and Jacob Milliron, James Commissioners. E. Brown, Archibald Glenn, and William Guthrie, of Armstrong county, be, and they are hereby appointed commissioners to view and lay out a road from Ringgold, in Jefferson county, to Kittanning, in Armstrong county, by the nearest and best route.

SECTION 2. That it shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degree, excepting only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road it may be preserved within that limit. Duties.

SECTION 3. That it shall be the duty of said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same. And for the purpose of fulfilling the duties of this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain carriers and one axeman at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in the manner and form hereinafter directed. Mark route.

SECTION 4. That it shall be the duty of the said board of commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur the improvements passed through, and also the crossing of township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof to be deposited in the office of the Secretary of the Commonwealth on or before the first day of October, Anno Domini, one thousand eight hundred and fifty-one, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out on the day aforesaid, or as much sooner as practicable. And said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid. Draft.

Accounts.

SECTION 5. That the account of said commissioners for their own pay and the pay of the surveyor, chain carriers, and axeman, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties on warrants drawn in the usual way.

Commissioners.

SECTION 6. That Alexander Martin, Joseph Morse, Joseph Morse, junior, John Bosworth, Lewis Wood, Joseph Mann, George Estes, and Benjamin D. Dolbee, or any three of them, be, and they are hereby appointed commissioners to open the books, receive subscriptions, and organize a company under the name, style, and title, of "The Ceres and Oswayo Plank Road Company," to locate and construct a plank road from the State line in the village of Ceres, M'Kean county, following the valley of the Oswayo creek to Oswayo, in Potter county, subject to the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are not inconsistent with this and the following sections.

Style.

Location.

Subject to provisions of certain act.

May locate on public roads.

SECTION 7. That it shall be lawful for said company to locate the said road upon any part of any public road with the consent of the road commissioners of the townships, or a majority of the voters of each of the townships through which said road may pass: *Provided*, That if said consent cannot be obtained, then the consent in writing of two-thirds of the owners of real estate through which said road may pass shall give the right.

Capital stock.

SECTION 8. That the capital stock of said company shall consist of five hundred shares of fifty dollars each: *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Commencement and completion of road.

SECTION 9. That if the said company shall not commence the construction of said road within three years, and complete the same within five years thereafter, this act shall be null and void except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

John Savery and Elizabeth his wife divorced.

SECTION 10. That the marriage contract entered into between John Savery and Elizabeth his wife, be, and the same is hereby declared null and void, and the parties be and they are hereby released and discharged from said contract and from all duties and obligations arising therefrom as fully, effectually, and absolutely, as if they had never been joined in marriage.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

We do hereby certify that the bill entitled "An Act authorizing the laying out of a State road from Ringgold, in Jefferson county, to Kit-tanning, in Armstrong county, incorporating the Ceres and Oswago Plank Road Company, and annulling the marriage contract between John Savery and Elizabeth his wife," was presented to the Governor on the third day of April, one thousand eight hundred and fifty-one, and was not returned within ten days, Sundays excepted, after it had been

presented to him, wherefore it has agreeably to the Constitution of this Commonwealth become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

SAMUEL W. PEARSON,
Clerk of the Senate.

Harrisburg, April 15th, A. D., 1851.

No. 368.

AN ACT

To prevent the landing of convicts from foreign countries, and to incorporate the Swede Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall not be lawful for the master or commander of any ship, boat, ^{Masters or commanders of ships} or other vessel arriving from a foreign country, to bring any person, ^{not to land persons in any port or harbor within} either as a passenger or hand, into any port, city, harbor, or place within this State with intent to land or to permit to land such passenger or hand, which passenger or hand shall have been or shall be a foreign ^{this State, who} convict of any felony which if committed in this State would be punishable therein. Any master, commander, or other officer that shall ^{are convicts of} knowingly violate this act, shall on conviction thereof in the Court of Quarter Sessions of the county in which such offence may have been committed, be considered guilty of a misdemeanor, and subject to a fine for each offence of not less than fifty dollars nor more than three hundred dollars, or an imprisonment in the county jail for a space of not less than thirty days or more than one year, as the court may direct. ^{felony in a foreign country.}

SECTION 2. That Thomas J. Potts, William F. Potts, Joseph D. Stuart, and Charles C. C. Potts, of the city of Philadelphia, and Griffith Jones, of the county of Montgomery, and such other persons as shall be associated with them and their successors, be, and the same hereby are erected into a body politic and corporate for the purpose of manufacturing iron in Montgomery county, under the name and style of "The Swede Iron Company," with a capital stock of one hundred ^{Style.} and fifty thousand dollars, with the privilege of increasing the same to ^{Capital stock.} two hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 3. That the affairs of the said company shall be managed ^{Board of directors.} by a board of five directors, one of whom shall be the president; and a majority shall have power to act, which said directors shall be chosen from the stockholders; the first election to be held within six months after this act shall take effect, of which election public notice shall be given at least two weeks previously thereto in one or more newspapers published in the county of Montgomery, and one or more in the city

of Philadelphia; and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which previous notice shall in like manner be given: *Provided*, That in case of failure to hold an election under this act, the former directors shall continue in office until their successors be duly elected, which must be within six months from the time of such failure.

Election of directors.

SECTION 4. That the election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by him in the following ratio, viz: For each share not exceeding two shares one vote, for every two shares above two and not exceeding twenty-five shares one vote, for every four shares above twenty-five and not exceeding fifty shares one vote, and for every six shares above fifty one vote. No share shall confer the right of voting while any instalment thereon is due and unpaid, nor which shall have been transferred within three months previous to the election, nor unless bona fide held by the person in whose name it appears in his own right or that of his wife, or as executor, administrator, trustee, or guardian. And all votes by proxy shall be on the terms and conditions prescribed by the several acts of Assembly regulating proxies.

Seal.

SECTION 5. That this corporation shall have authority to hold and use a common seal, with such device and inscription as they shall deem proper, and the same to break, alter, and at pleasure renew. And by the name of "The Swede Iron Company" shall be capable in law to sue and be sued, plead and be impleaded, in any court, before any judge or justice, in all manner of suits, and all and every matter to do in as full effect as any other person or persons, bodies corporate, within this Commonwealth; and is hereby authorized and empowered to make by-laws, rules, and do everything needful for the good government of the affairs of the said corporation: *Provided*, That the said by-laws and rules be not repugnant to the Constitution and laws of this State or of the United States.

Hold lands.

SECTION 6. That the said company shall be liable and capable in law, to take, receive, and hold in fee simple, or to lease lands and tenements, and may sell, lease, mortgage, or dispose of their interest in the same as they may deem expedient: *Provided*, The said lands shall not exceed in quantity one thousand acres at any one time, and shall be within the counties of Chester and Montgomery.

Object.

SECTION 7. That the said company shall use and employ their moneys and property in making and manufacturing iron and transporting and vending the same, and in acquiring and using such necessary materials and conveniences as they may find advantageous; but they shall not exercise any banking privileges nor do anything which may not be necessary and proper to the business.

Return to be made annually to the Secretary of the Commonwealth.

SECTION 8. That the said company shall annually on or soon after the first day of January in each and every year make a return, attested by the oath or affirmation of the president or secretary, of the amount of stock paid in, the numbers of acres of land owned by the company, the number of furnaces and works used by them, and the quantity of iron made within the current year, which return shall be sent to the Governor of this Commonwealth, who shall report the same to the Legislature.

Dividends.

SECTION 9. Dividends of so much of the profits as the directors may think advisable may be declared soon after the settlement of the books on the first day of January every year, and be paid to the stockholders or their legal representatives at any time on demand after the expiration of twenty days from such declaration; but the dividends shall in no case exceed the amount of nett profits actually acquired by the com-

pany as exhibited by the books and accounts. And if the directors shall make a dividend of more than the nett profits as shown by the books of the company, the directors consenting thereto shall be liable to the company in their individual capacity for the excess so divided and paid.

SECTION 10. That the stock of said corporation shall be transferable agreeably to the by-laws adopted by the company, but no stock shall be transferred on which an instalment may be due and unpaid unless with the consent of the directors. Stock transfer-able.

SECTION 11. That any land or property or materials for making iron which may be received in payment for subscription to stock, shall be taken at a valuation approved by the board of directors or by a majority of the stockholders. And this act shall not go into effect until one hundred and fifty thousand dollars shall have been subscribed, and at least one-half paid in, of which notice verified by oath or affirmation shall be given to the Governor. Land, &c., taken in payment of stock to be taken at valuation.

SECTION 12. That the said company shall be required to pay to the State Treasurer for the use of the Commonwealth a tax of one per centum upon the capital stock thereof, to be paid in four annual instalments, the first to be paid at the expiration of six months after this act of incorporation shall go into effect, and the remaining instalments at intervals of twelve months each. Tax.

SECTION 13. That this charter shall continue in force for the term of twenty years from the date of its approval and no longer, unless extended by an act of the Legislature; and the Legislature reserves the right to amend, alter, or repeal the same at any time, in such manner, however, as shall not do injustice to the corporators. Term of charter.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 369.

AN ACT

To incorporate the president and managers of the Kittanning Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Colwell, senior, John Portsmouth, C. B. Schotte, J. K. Wright, D. Phelps, Jos. Clark, and Andrew Arnold, be, and they or any five of them are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and Commissioners.

- Style. title, of "The Kittanning Plank Road Company," with power to construct a plank road beginning at the mouth of Mahoning creek, thence along the east bank of the Allegheny river, by way of Kittanning, to the aqueduct over the Allegheny river at or near the borough of Freeport, Armstrong county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.
- Location. **SECTION 2.** That the capital stock of said company shall consist of three thousand shares of ten dollars each, with privilege of increasing said stock, if necessary, to complete the said road.
- Subject to provisions of certain act. **SECTION 3.** That the road shall consist of a track not less than eight nor more than fourteen feet wide, with power to lay a double track if the company shall see proper so to do.
- Capital stock. **SECTION 4.** That the said company shall have power to charge and collect such tolls as shall be necessary to the maintenance of the said road.
- Track. **SECTION 5.** That if the said company shall not commence the construction of the said road within three years, and complete the same within six years from the passage of this act, the same shall be null and void, except so far as the same may be necessary to wind up and settle the affairs of the said company and pay the debts of the same.
- Tolls. **SECTION 6.** That the said commissioners shall have power to change the location or vacate, as the case may be, any road or roads which may interfere with the construction of this said road.
- Commencement and completion of road. **SECTION 7.** That the payment of each share subscribed shall be governed by the regulations of the commissioners appointed by this act.
- Change of location. **SECTION 8.** That the payment of each share subscribed shall be governed by the regulations of the commissioners appointed by this act.
- Payment of shares

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 370.

AN ACT

To incorporate the Bridgeton and Newtown Turnpike or Plank Road Company.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Michael H. Jenks, Samuel Story, Levi Buckman, Thomas F. Beatty, Samuel Comfort, junior, William Cornell, Joseph Flowers, John Buckman, Amos S. Worthington, Barclay Knight, William Stapler, and
- Commissioners.

Isaac Eyre, or any three of them, are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Bridgeton and Newtown Turnpike or Plank Road Company," with power to locate and construct a turnpike or plank road commencing at the northern end of Cove Creek Bridge at Bridgeton, in Bucks county, and continuing on or near the bed of the old road by the best and most practicable route to the borough of Newtown, in said county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same be not inconsistent with this and the subsequent sections of this act.

SECTION 2. That the capital stock of said company shall consist of three hundred shares of twenty-five dollars each; but the said company may from time to time, by a vote of the stockholders, increase the capital stock, if it shall be deemed necessary, to carry out the true intent and meaning of this act.

SECTION 3. That the said company shall have power to construct said road either wholly or in part of plank or stone, as they may deem most advantageous; and when they shall have completed two miles of said road they shall have power to erect toll gates, and receive the same tolls per mile as are allowed by twelfth and thirteenth sections of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies."

SECTION 4. That if said company shall not commence the construction of said road within two years, and complete the same within six years, this act shall be null and void and of no effect, except so far as may be necessary to settle up and pay the debts of said company.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 371.

AN ACT

Authorizing the laying out a State road from a point at the end of the township road in Licking Creek Valley, near John Winn's, Mifflin county, to intersect the public road in Black Log Valley, at or near ——— Andrews, in Juniata county, and relative to the division of Venango township, Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. George M. Bowman and James M'Kinstry, senior, of the county of Mifflin, and William M'Intire, of the county of Juniata, be, and they are hereby appointed commissioners to view and lay out and mark a

Location. State road beginning at or near the end of the township road in Licking Creek Valley, near John Winn's, Mifflin county, to intersect the public road in Black Log Valley, at or near ——— Andrews, in Juniata county, by the easiest and most practicable route, having reference to distance, public convenience, and cost of construction, having due regard to private property.

Duties. SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from the horizon, and thirty-three feet in width, adopting as far as practicable any roads or parts of roads now in use, and that they shall clearly and distinctly mark the road in such a manner as shall render the rout agreed upon readily found by the supervisors. And for fulfilling the duties enjoined by this act the commissioners shall be allowed the sum of one dollar and fifty cents per day for every day they shall be necessarily employed in performing the duties assigned by this act. And the said commissioners are hereby authorized to employ one surveyor at one dollar and fifty cents per diem, two chain-bearers and one axeman at a sum not exceeding one dollar for each per diem.

Draft. SECTION 3. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon the courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of November next, and one copy in the office of the clerk of the Court of Quarter Sessions of the respective counties through which the said road may pass, on the time aforesaid or as much sooner as practicable, and from thenceforth the said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired.

Accounts. SECTION 4. That the commissioners shall draw on the commissioners of the counties through which the said road shall pass, who shall adjust the accounts of the commissioners, surveyor, chain-bearers, and axemen, and pay them as other accounts by orders on the treasurer of the county are paid.

Meeting of commissioners. SECTION 5. That the said commissioners shall meet on or before the first Monday of May next, or as soon thereafter as a majority of them shall agree, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation or otherwise, it shall be filled by the majority of said commissioners, or appointment by the judges of the Court of Quarter Sessions of the county in which said person or persons so resigning shall have resided.

Duties of supervisors of the township through which road passes. SECTION 6. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once, and open and make the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fine shall be applied to the use of said road. The justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refu-

sing to perform the duties enjoined by this act, shall be paid out of the funds set apart for the laying out and repairing of roads in the township through which said person so refusing may reside; and that said commissioners shall have power to vacate any road or part thereof as may be rendered useless by this act, or shall have power to change and re-locate any part of such roads between the points mentioned in this act as may be rendered necessary.

SECTION 7. That the township of Venango, in the county of Crawford, be, and the same is hereby divided into two townships, by a line commencing at the southern side of said township on the western bank of French creek, thence by said stream and the several courses thereof to the mouth of Big Connautte creek, thence by said Big Connautte creek and the several courses thereof to the northern line of said townships, and that portion on the west side of said line to be called Venango township, and to hold their election at the school house near Jacob Blystones; and that portion on the east side of said line to be called Cambridge township, and to hold their elections at the school house in the village of Cambridge.

SECTION 8. That the election to supply vacancies in each or either of the above-named townships to be held on the second Friday in May for the ensuing, and ever after as already provided for by law.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 372.

AN ACT

To authorize the State Treasurer to refund to John H. McIlheny the amount of excess of collateral inheritance tax paid by mistake to the Register of Allegheny county, relating to the Pittsburg and Braddock's Field Plank Road Company, to the Monongahela wharf in the city of Pittsburg, and to streets in the borough of South Pittsburg and Birmingham, Allegheny county, to the Citizens Insurance Company of the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized, if satisfied a mistake was committed, to refund to John H. McIlheny any sum not exceeding fifty-eight dollars and thirty-eight cents, being the amount of collateral inheritance tax alleged to have been paid by mistake to the Register of Wills of Allegheny county, in the settlement of James McDermott, late of said county, deceased.

John H. McIlheny, for relief of.

Pittsburg and Braddock's Field Plank Road Company, relative to.

SECTION 2. That in case of any agreement between the Pittsburg and Braddock's Field Plank Road Company and the corporate authorities of the city of Pittsburg for the planking at the expense of the said company of that portion of Second street extending from the present terminus of the said road at the city line to the paved court way already laid within the said city, it shall and may be lawful for the said company to levy and collect tolls thereon at the same rates as upon other portions of their road, until they are fully reimbursed out of the treasury of said city the expenditure incurred by them in planking the same as aforesaid.

SECTION 3. That the term "fifty," in the third section of the act incorporating the Pittsburg and Braddock's Field Plank Road Company, inserted by mistake as descriptive of the width of the State road referred to therein, be, and the same is hereby altered and enlarged to "sixty," so as to correspond with the actual width of the said State road as ascertained and defined by the act authorizing the laying out of the same, approved the twenty-first day of September, A. D., one thousand seven hundred and eighty-five.

Borrow money. SECTION 4. That it shall be lawful for the said company to borrow any amount of money not exceeding the sum of fifteen thousand dollars, which may be required for the completion of its road, and to issue bonds therefor.

Monongahela wharf declared a public landing.

SECTION 5. That that portion of Water street within the city of Pittsburg, extending from the eastern line of Grant street to the confluence of the Monongahela and Allegheny rivers, known as the Monongahela wharf, is hereby declared to be a public landing; and the councils of said city shall have full power and authority to make, alter, and amend all such rules, regulations, and ordinances regulating the use of the same as they shall and may think proper, and shall not be inconsistent with the existing laws of this Commonwealth; to direct and enforce the collection of such fees, tolls, and duties in the nature of wharfage as they may deem just and expedient; and that the existing ordinances of said city for the regulating of said wharf and the collecting of wharfage thereon which are not inconsistent with the laws of this Commonwealth, are hereby declared legal and valid, and the same be and remain in force until altered, amended, or repealed by the councils of said city, as though they had been ordained and enacted after the passage of this act.

South Pittsburg borough, relative to paving of streets, &c.

SECTION 6. That whenever the town council of the borough of South Pittsburg, in the county of Allegheny, shall consider the paving of any street, lane, or alley in said borough necessary to the convenience of the citizens thereof, it shall and may be lawful for said council to ordain, enact, repeal, and amend all such by-law, ordinance, rules, and regulations as shall be deemed expedient for paving of such street, lane, or alley, subject to the following provisions:

Further regulations.

SECTION 7. That whenever any pavement or pavements shall be completely finished by the said borough, the cost of the materials and paving furnished and done on one-half of such street, lane, or alley in front of or adjoining any lot or lots, shall be ascertained by the burgess or street commissioner of said borough, and charged to the owner or owners of said lot or lots by said borough; and the burgess of said borough shall give to such owner or his agent of any lot or lots before which any paving is done as aforesaid, a certificate in writing of the amount of money so ascertained to have been expended by the said borough in paving in front of his, her, or their lot or lots, and unless the owner or owners of such lot or lots within ten days after said notice is given him, her, or them, or either of them, shall pay to the treasurer

of said borough the amount specified in such certificate, then it may and shall be lawful for the council of said borough to collect the amount claimed of the owner or owners of any lot or lots by an action of debt in the corporate name of said borough as debts of like amount are by law collected; but if the owners of any such lot or lots does not reside in the said borough, then and in that case a certificate put up on such lot or lots shall be deemed notice to the owner thereof; and after default for the space of ten days it shall and may be lawful for the said council to file a certificate for the amount of the costs of such paying, signed by the burgess and attested by the clerk of the council, in the office of the prothonotary of the Court of Common Pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket, which certificate from such entry shall have the same operation and effect as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided*, That if any owner or owners of any lot or lots against whom any certificate shall be filed as aforesaid, shall make an affidavit before the prothonotary of said court or any magistrate that he or they have a just defence to the whole or a part of said amount claimed in such certificate, and file the same in the office of said prothonotary within thirty days of the filing of said certificate, and not after, then the prothonotary of said court shall put the cause on the trial list of the next regular term of said court, to be there tried and determined by the court and jury as cases of appeal to said court.

SECTION 8. That upon the payment by the owners of any lot of the amount of paving done as aforesaid, the said council shall give such owner a bond or bonds for the re-payment to such owner within five years with interest of the amount paid by him for paving as aforesaid, and any subsequent year the said owner or owners of any lot as aforesaid may set off as payment of his, her, or their borough tax, an amount of said bonus equal to one-half of said borough tax in one year assessed to him, and no more, until the said owner of such lot is paid the amount of such bond or bonds and interest thereon. Bonds.

SECTION 9. That the owners of all corner lots shall be charged with the paving done to the point where the centres of the cross streets, lanes, or alleys shall intersect, the costs of which shall be refunded as aforesaid; and whenever a majority of the legal voters residing on any street, lane, or alley in said borough shall petition the council of said borough for the grading and paving of any such street, lane, or alley, it shall be the duty of said council to grade and pave the same agreeably to the provisions of this act: *Provided*, There are sufficient unappropriated funds in the treasury of said borough to defray the expenses of the same; but this act shall not be so construed as to compel the owner of any lot to grade any street or alley in front of the same, but said grading shall be done at the proper cost of said borough; and the wharf or water street in said borough shall be excluded from provisions of this act. Corner lots.

SECTION 10. That the town council of said borough may at their sessions enact, ordain, revive, repeal, and amend all such by-laws, ordinances, rules, and regulations as shall be deemed expedient, to compel the owner and owners of any lots of ground in said borough to pave, in such manner as the said town council by their ordinance may direct, the foot-ways or side-walks of said borough, and renew all pavements already made which shall have decayed or worn out. And in case the said owner or owners shall refuse or neglect after having received one month's notice from the said council by the hands of any borough By-laws.

officer, or if the said owner or owners do not reside within the said borough, then after a notice shall have been put up upon their lots for one month to pave in accordance with the ordinances aforesaid and to renew the pavements as aforesaid, the town council aforesaid shall cause the said pavement to be made or renewed at the expense of the said owner or owners. And in all cases where the town council aforesaid shall pave in default of any owner of any lot the footways as aforesaid, the council may charge the owner of said lot the additional sum of ten per cent. on all bills of materials furnished and labor expended in paving in front of said lot or lots to defray the expense of superintending the same; and after the said pavement or pavements are completed, it shall be lawful for the said council to file a certificate for the amount of the costs thereof, signed by the burgess and attested by the clerk of the council, in the office of the prothonotary of the Court of Common Pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket, which certificate shall from such entry have the same operation and effects as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided nevertheless*, That no owner of any lot shall be compelled to pave in front thereof until the town council as aforesaid shall first have graded the street to the established grade of said street.

Pittsburg and
Birmingham
Turnpike Road
Company, rela-
tive to.

SECTION 11. That it shall be lawful for the president and managers of the Pittsburg and Birmingham Turnpike Road Company to grant to the corporations of Birmingham and South Pittsburg, or either of them, so much of said road as lies within said boroughs respectively, and that the same be hereafter named or known as Carson street.

Pittsburg and
Coal Hill, and
Washington and
Pittsburg Turn-
pike Road Com-
pany, relative
to.

SECTION 12. That it shall be lawful for the president and managers of the Pittsburg and Coal Hill Turnpike Road Company, and the president and managers of the Washington and Pittsburg Turnpike Road Company, to grant to the corporation of South Pittsburg so much of the said roads respectively as lies within the borough of South Pittsburg or any part of the said roads lying within the said borough; and the portions of said roads running parallel with the Monongahela river shall be hereafter named or known as Carson street.

Streets, roads,
culverts, in
said borough.

SECTION 13. That from and after the passage of this act, it shall be lawful for the said borough of South Pittsburg, by and with the consent of the said turnpike road companies respectively, to take under their control and management so much of said roads as above described, with full powers to alter the regulation of the same and the streets connected therewith, and the placing culverts under or drains across said roads for carrying away the surplus water; and it shall be lawful for said turnpike road companies respectively, upon the stipulation of said borough, to regulate and repair so much of said road as is above described, to give up the toll on so much of the said roads respectively, and no toll shall be exacted thereafter from any person or persons whatever.

Citizens Insu-
rance Company
of Pittsburg,
relative to.

SECTION 14. That so much of the fourth section of an act passed the seventh day of March, Anno Domini, one thousand eight hundred and forty-nine, entitled "An Act incorporating the Citizens Insurance Company of the city of Pittsburg, et cetera," as limits the number of directors to nine, be, and the same is hereby repealed; and the said company shall be authorized to elect annually fifteen directors at the time and in the manner and form prescribed by said section: *Provided however*, That until the next annual election the additional number herein provided for shall be elected by the present board of directors.

SECTION 15. That so much of the twelfth section of said act as Repeal.
limits the exercise of the corporate powers, privileges, and franchises
of said company to twenty years, be, and the same is hereby repealed.

SECTION 16. That so much of the thirteenth section of said act as
limits the amount of insurance to be effected by said company upon
the life of any one person to three thousand dollars, be, and the same
is hereby repealed.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight
hundred and fifty-one.

WM. F. JOHNSTON.

No. 373.

AN ACT

Providing for the survey of certain parts of the borough of Easton and recording
the same.

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That
the town council of the borough of Easton shall cause a survey to be
made of all that portion of the said borough not embraced in the origi-
nal town plot, and cause to be marked thereon the necessary streets and
alleys according to which the same shall be built upon, and to ascertain
and determine the proper elevations and depressions in such streets and
alleys, in order that when such portions of the borough shall be im-
proved, or prepared for being improved, the water can be properly led
and drained therefrom. And when such survey shall be made, one copy
thereof shall be deposited with the town clerk for the inspection of all con-
cerned, and due notice shall be given thereof *the* three insertions in at
least three newspapers printed and published in the said borough; and
that on a day to be named, the town council will hear any objections
thereto made by any tax payer of said borough, at which time the
council shall hear and determine whether any and if any what altera-
tions and modifications shall be made therein; and thereupon the said
draft, with or without such alterations and modifications as the case may
be, shall be recorded in the office for recording of deeds in and for the
said county, and be and remain a record thereof, and shall not be altered
or changed unless authorized by act of Assembly.

Survey author-
ized.

SECTION 2. That when the said draft shall be so recorded, the town
council of the said borough shall cause permanent marks to be made on
the ground to designate the crossings or corners of streets and alleys, so
that they can thenceforth be ascertained without difficulty: *Provided,*

Draft.

That no street shall be of less width than sixty feet, and no public alley of less width than twenty feet.

Damages.

SECTION 3. That on petition presented to the town council of said borough, it shall be lawful for said council to direct the opening of any of the streets or alleys so surveyed and laid out, or any parts or portions thereof that shall be deemed necessary; and the owners of the said lands shall have a right to have the damages they may sustain by the opening of such streets and alleys assessed and paid as other road damages are assessed and paid in the several counties of this Commonwealth: *Provided*, That in all cases the jury shall take into consideration the advantages of opening such streets or alleys to the owners thereof; and if the value of their property is increased thereby to take the same also into consideration.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 374.

A SUPPLEMENT

To an act entitled "An Act more effectually to preserve the public grounds and public buildings of the Commonwealth," passed April tenth, A. D., one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act to which this is a supplement shall hereafter be construed to extend to all cases of injury done to the lamps, pipes, and other gas fixtures upon the public grounds or buildings, and to any waste or escape of gas caused by malicious or improper interference by any person whatever.*

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 375.

AN ACT

To annul the marriage contract between William Mead and Eliza his wife, to the uniformed militia of Perry and Luzerne counties, to the Cumberland Valley railroad, to the sale of the real estate of John Berge, deceased, to lunatics and habitual drunkards, and to the Susquehanna Canal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between William Mead and Eliza his wife, both of the city and county of Philadelphia, be, and the same is hereby annulled and made void, and the parties released and discharged from said contract and from the duties and obligations arising therefrom, as fully, effectually, and absolutely, as if they never had been joined in marriage.

William Mead
and Eliza his
wife, divorced.

SECTION 2. That all the uniformed militia companies in the counties of Perry and Luzerne who may have neglected to make, or have made informal and untimely returns of their rolls to the commissioners of the proper county, shall be entitled to receive their quota out of the military fund provided by existing laws: *Provided,* That all captains of companies in said counties in their order to the county treasurer for their quota, who shall hereafter certify an oath to the number of men they may have in uniform and belonging to their company, and organized according to law, shall be entitled to their quota payable annually from the time of their organization, which time shall be stated in the order of the captains.

Uniformed
militia compa-
nies in Perry
and Luzerne
counties, rela-
tive to.

SECTION 3. That all captains of companies in said counties shall not return any person or persons who are not in full uniform agreeable to the provisions of the act of the seventeenth April, one thousand eight hundred and forty-nine, and shall in writing certify on oath or affirmation to the number they have on their roll.

Returns of cap-
tains.

SECTION 4. That the fines and forfeitures of officers, musicians, and privates of companies of the counties aforesaid for non-attendance on days of training shall be collected from delinquents by warrant, which warrant shall be delivered by the captains to a constable who shall execute the same, and whose bail shall be answerable for all fines and forfeitures collected by him, which warrant shall be in the following form:

Fines and for-
feitures.

The Commonwealth of Pennsylvania,

To A. B., constable, greeting:

WHEREAS, The persons named in the schedule hereto annexed have each become liable to pay the sum of _____ dollars, according to the by-laws of this company; this warrant therefore authorizes and requires you to demand and collect of each and every such person the sum of _____ dollars; and in case of neglect or refusal to pay the same, you are to levy and collect the same with costs of the goods and chattels of each and every person by distress and sale thereof, returning the overplus, if any, to the owner.

Witness my hand and seal this
one thousand, eight hundred and

day of

Anno Domini,
C. D. Captain.

Cumberland Valley Railroad Company, relative to stock of. SECTION 5. That it shall be lawful for the holders of the original stock of the Cumberland Valley Railroad Company, and of the first and second preferred stock, or either of them, to consolidate and equalize the same upon terms to be agreed upon by themselves; and the said company shall have power and authority to extend their road, under the provisions of their original charter, further into and not beyond the limits of the county of Franklin; and the capital stock of the said Cumberland Valley Railroad Company may be increased to the amount of one hundred thousand dollars to carry into effect the provisions of this section.

Sale of real estate made by Christ's Church in the parsonage at Loysville, Perry county, confirmed. SECTION 6. That the sale and transfer of the interest of Christ Church in the parsonage at Loysville to the Lebanon, Zion, St. Peter, and Ludolph congregations in Perry county, is hereby confirmed and made valid, as fully as the same was vested in the said Christ Church aforesaid; and the trustees of said Christ Church are hereby authorized to make, execute, and deliver a deed to the said congregations for the interest so sold or transferred, on the payment of the purchase money agreed upon between the parties interested in the same.

Lunatics and habitual drunkards, for regulation of. SECTION 7. That when an alleged lunatic or habitual drunkard has no relative by blood or marriage residing within this Commonwealth, it shall be lawful for any disinterested person of the same township, ward, or borough of the county in which such supposed lunatic or habitual drunkard resides, to make application to the Court of Common Pleas of said county in writing for a commission to issue to inquire into the lunacy or drunkenness of such person as is now provided by law when the application is made by a relation by blood or marriage of such supposed lunatic or habitual drunkard, or by a person interested in his estate.

Executors of John Berge authorized to sell certain real estate. SECTION 8. That Abraham Fretz and Abraham Hunsecker, executors of the last will and testament of John Berge, late of Rockhill township, in the county of Bucks, deceased, be, and they are hereby authorized to sell at public sale at the highest and best price that can be obtained for the same, all those two certain messuages and tracts of land situated in the township and county aforesaid, adjoining each other, and containing twenty-three and a-half acres of land, late the estate of John Berge: *Provided*, That before the said sale shall take place the said executors shall give bond with sufficient sureties, to be approved by the Orphans' Court of Bucks county, for the faithful application of the proceeds of the sale or sales agreeably to the will of the said John Berge: *And provided*, That the said Orphans' Court shall approve and confirm such sale or sales.

Susquehanna Canal Company required to construct sluices, &c. SECTION 9. That it shall be the duty of the Susquehanna Canal Company to cause to be constructed at the dams erected by them across the river Susquehanna, a sluice for the passage of fish, over which at least one foot of water shall pass from the first day of April to the fifteenth day of May of each year; the said sluice to extend along the breast of the dam the distance of from one hundred and fifty yards to two hundred yards, in proportion to the width of the river at said dams, and to be constructed at and immediately opposite the main channel of the river from the dam down stream by steps of eighteen inches perpendicular fall, and horizontal platforms at the base of each step of forty feet in width. And if said company shall neglect or refuse to construct said sluices in the manner herein specified for the space of one year after the passage of this act, the said dams shall be deemed a nuisance, and may be abated as other nuisances may be according to the laws of this Commonwealth.

SECTION 10. That it shall not be lawful for any one to fish with a seine, net, or other device for the taking of fish other than hook and line within a mile of any of said sluices constructed by said company, or to make use of any device to frighten or prevent the fish from passing freely to said sluices; and any one offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof in the Court of Quarter Sessions of the county in which the offence may be committed, be sentenced to fine and imprisonment at the discretion of the court: *Provided*, That nothing herein contained shall be construed to prevent any one who may have a title to real estate deduced from the Commonwealth within a mile of any of said sluices from enjoying the right of fishery appurtenant to the said real estate.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 376.

AN ACT

To provide for the erection of a house for the employment and support of the poor in the county of Crawford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac Saeger, James D. McEntire, James Cochran, Hugh Brawley, H. B. Beatty, Anson Leonard, William McLean, John Reynolds, be, and are hereby appointed commissioners, whose duty it shall be to determine upon and purchase on or before the first day January, in the year of our Lord, one thousand eight hundred and fifty-two, such real estate as they shall deem necessary for the accommodation of the poor of Crawford county; and it shall be lawful for said commissioners to take conveyances therefor in the name and for the use of the corporation hereinafter mentioned, and to execute securities thereon for the purchase money thereof, if necessary; and shall certify their proceedings herein under their hands and seals to the clerk of the Court of Quarter Sessions of said county, to be filed in his office among the records of said court. And it shall be the duty of said clerk within three days thereafter to make out a certified copy thereof under the seal of said court, and deliver the same to the board of county commissioners of said county at the then next session thereof, and immediately, if then in session, to be filed in the office of said board; and from thence the county com-

Fishing with seines, nets, &c, within one mile of said sluices prohibited.

Commissioners.

Duties.

missioners of said county for the time being, and their successors in office, or any two of them, shall constitute and be the board of directors of the poor and of the house of employment in the county of Crawford. But before entering upon the duties of the office of director aforesaid, they shall in addition to the oath of office of county commissioner also take and subscribe an oath or affirmation before one of the judges of the Court of Common Pleas of said county, each that he will truly, faithfully, and impartially discharge the duties of the said office of director of the poor for said county during his continuance in such office to the best of his knowledge and ability, and which oath or affirmation shall be filed with the clerk of the Court of Quarter Sessions aforesaid; and so qualified as aforesaid they shall severally have authority to administer all necessary oaths and affirmations in relation to the duties and business of their said office as such directors of the poor; and the several duties of the commissioners named in the first clause of this section shall be valid if performed by a majority of them.

Incorporate.

Privileges.

Style.

SECTION 2. That the county commissioners of said county shall as directors aforesaid forever thereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Crawford, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style, and title, of "The Directors of the Poor and of the House of Employment in the county of Crawford," and by that name shall and may receive, take, and hold any lands, tenements, hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever of the gift, alienation, or bequest of any person or persons whomsoever, to purchase, take, and hold any lands and tenements within the county aforesaid, in fee simple or otherwise, and erect suitable buildings for the reception, use, and accomodation of the poor of said county, to provide all things necessary for the lodging, maintenance, and employment of said poor, and subject to approval by the Court of Quarter Sessions of said county. They shall have power to employ and remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices so that such apprenticeship may expire, if male, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice or as may now be bound apprentices by the overseers of the poor under existing laws: *Provided*, That no such binding shall be valid unless the same be approved by said court. And as such directors they shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied, and *they hereby* empowered to use one common seal in all business relating to said corporation, and at their pleasure to alter and renew the same.

Buildings.

Tax.

SECTION 3. That the said commissioners or such directors as soon as may be after their organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the latter and furnishing the same and maintaining the poor within the said county for one year; and thereupon as county commissioners they shall and are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and may procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid with interest in instalments out of the county taxes: *Provided*, That not more than one-fourth of the whole amount of the sum necessary for the purpose aforesaid shall be added to the county tax annually thereafter, and to

be paid by the county treasurer on orders drawn by the county commissioners as such directors, as the same may from time to time be found necessary.

SECTION 4. That it shall be the duty of the county commissioners as directors aforesaid, on or before the first day of November in each year and every year after the poor house shall have been completed, to make out and file in the Court of Quarter Sessions of the said county an estimate of the probable expense of the poor and poor house establishment for one year. And it shall be the duty of the said county commissioners to assess and cause to be collected with and as the other county rates and levies are or may be by law assessed and collected, the amount of said estimate, in addition to other rates and levies, shall be paid into the county treasury to the special credit of the poor house fund, and which shall be paid out by the county treasurer on special warrants drawn by the county commissioners upon such fund, as often as the same may be necessary; and the said commissioners as directors aforesaid, shall attend once in every year at the same time of the audit and settlement of their accounts as county commissioners, render an account of all moneys received, expended, and paid out of said poor fund to the county auditors as in other cases, and subject to the same penalties, rules, and regulations as are by law directed in relation to their accounts as county commissioners; and shall at least once in every year lay before the Court of Quarter Sessions and grand jury of said county a list of the number, age, and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of those bound out to apprenticeship as aforesaid, with the name of the master or mistress, and their trade, occupation, or calling, and a true exhibit, under oath or affirmation, of all productions, earnings, moneys, and funds received other than from the regular rates and levies, including all sales, purchases, donations, devises, and bequests, which shall have been during the current year made and received by or to them; and shall at all times when thereunto required, submit to the inspection and free examination of said grand jury, the judges of the Court of Common Pleas of said county, and such other visitors as shall or may be from time to time appointed by the Court of Quarter Sessions of said county, the *promises*, apartments, and the condition and manner of employment and support of the poor under their care, together with all their books and accounts in relation to the affairs of said corporation: *Provided*, That no county commissioner, county auditor, or treasurer, shall either directly or indirectly sell or dispose, or be concerned in selling or disposing of any article or articles to said corporation during his continuance in such office: *And provided also*, That the security now required and taken of the county treasurer by the county commissioners for the county funds, shall be so enlarged and extended as to embrace a security for the poor house fund; and the auditors' report upon and in relation to the funds, receipts, and expenditures of this corporation, shall be reported filed, and published, with like effect and in like manner, and subject to the same right of appeal as is now or may hereafter be allowed and directed in case of reports of the county auditors upon the receipts and expenditures of the county funds.

SECTION 5. That as soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Crawford, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined

Notice to be given to overseers to bring poor, &c.

and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or any other sufficient cause any poor person cannot be removed—in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order. And the charge and expense of such temporary relief and of such removal shall be paid by the said directors at a reasonable allowance.

Employment of
poor, &c.

SECTION 6. That the said directors shall from time to time receive, provide for, and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Crawford, and shall be sent there by an order or warrant for that purpose under the hands and seals of any two justices of the peace, directed to any constable of the said county of Crawford, or to the overseers of the proper township in any other county of this Commonwealth. And the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expenses of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Crawford.

Rules, regula-
tions, &c.

SECTION 7. That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules, and regulations as they shall think proper, convenient, and necessary for the direction, government, and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law or any of the laws of this State or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the Court of Quarter Sessions for the time being of the county of Crawford, and shall have received the approbation of the same.

Oaths, &c.

SECTION 8. That the said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors touching and relating to said settlements, or refuse employment, being of sufficient mental and physical ability, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions, and perform reasonable labor as aforesaid. And the said board of directors, or a majority of them, in addition to the powers hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Monthly meet-
ings of directors.

SECTION 9. That a quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments and see that

the poor are comfortably supported, and hear all complaints and redress or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

SECTION 10. That the said directors shall each of them receive for their services annually the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office. Pay of directors.

SECTION 11. That all claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same shall have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Crawford, shall be paid over to the supervisors of the highways in their respective townships, to be by them applied towards repairing the roads therein. Claims, demands, &c.

SECTION 12. That as soon as the poor of the county of Crawford shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within said county shall from thenceforth be abolished. When office of overseer to be abolished.

SECTION 13. That the powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the several townships within this Commonwealth to recover certain fines, forfeitures, and penalties, and for other purposes, are hereby conferred and imposed upon the directors of the poor in the said county of Crawford; and that the said justices of the peace and sheriff within the said county are required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures, and penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county shall be subject to all fines, penalties, and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable. Certain powers conferred on directors.

SECTION 14. That the commissioners of said county are hereby authorized and empowered to pay to the persons appointed commissioners by the first section of this act, the expenses incurred by them in the performance of *their and also* pay the said directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed by this act, exceed fifty dollars for any one year. Expenses of commissioners, how paid.

SECTION 15. That so much of the laws of this Commonwealth relating to the poor as are by this act altered and supplied, be, and the same are hereby repealed so far as they affect the county of Crawford. Repeal.

SECTION 16. That the sheriff of said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for the entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as convenient. Sheriff to give notice to commissioners.

SECTION 17. That it is hereby enjoined and made the duty of the sheriff of the county of Crawford, to cause this act to be published in Further duties of sheriff.

all the papers of Crawford county for three successive weeks immediately after its passage.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 377.

AN ACT

To incorporate the Friendship Fire Engine Company of Philadelphia, relative to water lines in the river Delaware, to laying gas pipes by the city of Philadelphia in the incorporated districts north of Vine street, relative to the collection of poor taxes in the city and county of Philadelphia, and to authorize Benjamin Orne, trustee, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all and every the persons who shall at the time of the passing of this act be members of the association called the Friendship Fire Engine Company of Philadelphia, shall be, and they are hereby created and declared to be one body politic and corporate by the name, style, and title, of "The Friendship Fire Engine Company of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to take, receive and hold all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed to the said Friendship Fire Engine Company of Philadelphia, or to any person or persons for their use or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation and their successors forever; and the said corporation and their successors are hereby declared to be seised and possessed of such estate or estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof, is or are declared limited and expressed; and also that the said corporation and their successors at all times hereafter shall be able to purchase, receive, have, hold, and enjoy to them and their successors all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels, of what nature, kind, or quality soever, real personal, or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien, or dispose of: *Provided, That the clear yearly*

Style.

Privileges.

value or income of the messuages, houses, lands, and tenements, rents, annuities, or other hereditaments, and the real estate of the said corporation and the interest of money by them lent, shall not exceed the sum of three thousand dollars; and also to make and have a common seal, and the same to break, alter, and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the Constitution and laws of the United States or of this Commonwealth, and generally to do for the well-being of said corporation and the due management and ordering of the affairs thereof.

SECTION 2. That this corporation shall not consist of more than seventy-five active members who shall be elected by ballot; but previous to the admission of a member he must be proposed by one member and seconded by another at a stated meeting, and ballotted for at the next stated meeting, whereupon receiving the votes of two-thirds of the members present, and upon signing the articles of the company, shall become an active member, and while he continues as such shall be subject to such fines and contributions as the laws of the company may impose; and also that this corporation may bestow the privileges of honorary membership on such active members as they may think proper, and under such regulations as the by-laws may prescribe.

Number of members.

SECTION 3. That the officers of this corporation shall be a president, vice president, secretary, assistant secretary, and treasurer, who shall be elected by ballot at the stated meeting in January, and eight engineers, who shall be elected in the same way at the stated meeting in January or July in each year; and in case of any vacancy in any or either of the offices aforesaid by death, removal from office, or refusal to serve, it shall be supplied by a new election.

Officers.

SECTION 4. That the stated meetings of the company shall be held on the evenings of the first Wednesday of every month, and that adjourned or special meetings may be held as the company shall see fit, or circumstances may require; but no business shall be transacted at any meeting unless a quorum, which shall consist of seven members, be present, except to call the roll and then adjourn.

Stated meetings.

SECTION 5. That nothing in this act contained shall be deemed to authorize the said company to engage directly or indirectly in any banking, monied, commercial, mining, or manufacturing concerns, or to act in any other way than a fire company.

Banking privileges prohibited.

SECTION 6. That this act shall continue in force twenty years from the passage thereof, and no longer, for the purpose aforesaid: *Provided always*, That if it shall appear that the charter or privileges hereby granted to the said company are injurious to the citizens of this Commonwealth, the Legislature shall have full power to alter, annul, and repeal this act at any time they may think proper.

Term of this act.

SECTION 7. That the board of wardens for the port of Philadelphia, on application by the owner of land bounded by the Delaware or Schuylkill rivers within the limits of the port, shall cause to be defined upon the ground, at the expense of the applicant, the line of low-water mark bounding their jurisdiction.

Water lines on the Delaware and Schuylkill rivers, to regulate.

SECTION 8. That so much of an act approved May the fifteenth, A. D., one thousand eight hundred and fifty, as relates to wharf lines in the river Delaware, shall not be construed to deprive any person deeming himself aggrieved of the right of appeal from any decision of the board wardens secured by previous acts of Assembly.

Construing certain act relative to wharf lines on the river Delaware.

Board of wardens for the port of Philadelphia.

SECTION 9. That the board of wardens for the port of Philadelphia shall hereafter consist of fourteen persons, to wit: a master warden who shall be appointed by the Governor to serve for the term of one year from the first day of June next, and annually thereafter in like manner; or in default of such appointment as aforesaid, a master warden shall be appointed by the "board of wardens."

And thirteen citizens to be port wardens, who shall be elected for the term of one year from the first day of June next, and so thereafter as follows:

The select and common councils of Philadelphia shall elect by joint ballot on their first stated meeting in May next, and on their first stated meeting in May in each succeeding year, four persons to serve as port wardens for the term of one year from and after the first day of June following.

The commissioners of the borough of Bridesburg shall in like manner, on their first stated meeting in May next, and on their first stated meeting in May of each succeeding year thereafter, elect one person to be port warden for the term of one year from the first day of June thereafter.

And in like manner on their first stated meeting in May next, and on their stated meetings in May in each succeeding year thereafter,

The commissioners of the district of Richmond shall elect one person;

The commissioners of the district of Kensington shall elect two persons;

The commissioners of the district of the Northern Liberties shall elect two persons;

The commissioners of the district of Southwark shall elect two persons;

And the commissioners of the district of Moyamensing shall elect one person, and the persons so appointed shall serve as port wardens for the term of one year from and after the first day of June following: *Provided*, That no person interested directly or indirectly in any contract for constructing or sinking any wharf or pier within the jurisdiction of the board of wardens for the port of Philadelphia shall be eligible to serve as master or port warden.

Salary of master warden.

SECTION 10. That the salary of the master warden shall be as heretofore; and the said master warden and board of wardens shall have and exercise all the rights, powers, and privileges, and shall perform all the duties heretofore enjoyed and exercised by or belonging to the board of wardens for the port Philadelphia.

Present wardens to continue in office, &c.

SECTION 11. That the present master warden and wardens shall respectively continue *of* office until the election of their successors, as hereinbefore provided; and in case of any vacancy that hereafter may occur from any cause, the same shall be supplied by an election by the authorities hereinbefore respectively mentioned, at their first stated meeting that may take place after such vacancy shall have happened.

Appeals.

SECTION 12. That any person aggrieved by any decision of the board of wardens may have an appeal to the Court of Quarter Sessions or other courts, as provided by laws heretofore existing.

Gas works in the city of Philadelphia, relative to.

SECTION 13. That the city of Philadelphia shall not have power or authority to erect works for the manufacture of gas in any of the incorporated districts located north of Vine street. And the said city shall not have authority to lay any pipes for the introduction of gas through the streets in the districts above named, without first having obtained the consent of the districts through which the same may pass.

SECTION 14. That no collector heretofore elected, or hereafter to be elected in conformity with the second section of the act of the fifteenth

of May, one thousand eight hundred and fifty, entitled "A supplement to the act entitled 'An Act to incorporate the York Gas Company,'" shall have power or authority to collect poor taxes until he shall have given the security required by the said act, which security shall be in the manner and form prescribed by the sixth section of the act of the fifth of March, one thousand eight hundred and twenty-eight, entitled "An Act for the relief and employment of the poor of the city of Philadelphia, &c.;" and that upon a failure to give such approved security, the guardians of the poor shall have as full power and authority to appoint a collector of poor taxes, as they had prior to the passage of the said act of the fifteenth of May, one thousand eight hundred and fifty.

Poor taxes in Philadelphia county, relative to.

SECTION 15. That the provisions of the sixth and seventh sections of the said act of the fifth of March, one thousand eight hundred and twenty-eight, be, and they are hereby extended to all collectors of poor taxes for the said incorporated districts, howsoever elected or appointed.

Provisions of this act extended to the incorporated districts.

SECTION 16. That Benjamin Orne, trustee named in a certain deed of conveyance, whereof Joseph Lybrand Fox is grantor, dated the first day of June, one thousand eight hundred and forty, and duly recorded in the recorder of deeds office of the county of Philadelphia, in deed book L S, number fifteen, page five hundred and seven, &c., is hereby authorized and empowered to sell at public or private sale, and good and valid deeds therefore to make to the purchaser or purchasers thereof, without any liability on their part for the application of the purchase money, any portion or portions of the real estate vested in the trustee by the aforesaid deed, and to apply the moneys arising therefrom, or so much thereof as may be necessary to the payment of a certain loan of two thousand dollars, raised in the year one thousand eight hundred and forty-four, for the benefit of said trust estate, and for the payment of a mortgage debt of fifteen hundred dollars, which is an incumbrance on the dwelling house of the said Joseph L. Fox, situated on the north side of Melon street, at the distance of one hundred and thirteen feet eleven inches west of Delaware Tenth street, in the district of Spring Garden and county of Philadelphia; and to the payment of any and all taxes which are *in* may be legally assessed against any portion of the real estate of said trust estate, and the balance, if there be any, to re-invest to the same use and trusts as are directed by the aforesaid deed: *Provided*, That before such sale shall be made, the said trustee shall give good and sufficient security, to be approved of by the Orphans' Court of the county of Philadelphia, conditioned for the faithful appropriation of the purchase money arising from such sale or sales: *And provided also*, That said court shall approve of and confirm said sale or sales.

Benjamin Orne, trustee, authorized to sell certain real estate.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 378.

AN ACT

Regulating the elections in the city and incorporated districts of the county of Philadelphia, to incorporate the Jefferson Railroad Company, relative to certain election districts in Montour county, to the continuance fees of prothonotaries in Bradford and Susquehanna counties, to road damages in Moyamensing, to the Germantown Water Company, to the Philadelphia police district, to the school distret of Monongahela city, and to the half-pilotage law.

Councils of the city of Philadelphia required to divide the wards into election precincts, &c.

Incorporated districts to be divided in same manner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the select and common councils of the city of Philadelphia, on or before the twentieth day of July, in the year one thousand eight hundred and fifty-one, shall be required to divide the several wards in said city into election precincts of not more than four hundred taxable inhabitants, or as near that number as practicable, and shall appoint a suitable place for holding the elections in each precinct or ward. And the commissioners of the several incorporated districts in the county of Philadelphia shall in like manner divide the wards of their respective districts, and appoint the places of holding the elections; and said councils and commissioners shall annually communicate to the sheriff of the county the places so appointed, who shall publish the same in his proclamation: *Provided*, That the city of Philadelphia and the several incorporated districts shall be authorized to change the place of holding their ward and general elections, in the same manner and under the existing laws passed prior to the passage of this act.

Officers of election, who to appoint.

SECTION 2. That the officers elected in the several wards and precincts in said city, at the general election in the year one thousand eight hundred and fifty, and in said districts in March, one thousand eight hundred and fifty-one, shall appoint officers to conduct the next general election in the additional precincts hereby created, in the following manner, to wit: In case any of the said wards have not been heretofore divided into precincts, then the judge of said ward shall appoint one person to act as judge for each additional precinct, and each inspector shall appoint one person to act as inspector for each additional precinct. In case any of said wards have been heretofore divided into an equal number of precincts, then each judge shall appoint one person to act as judge for each additional precinct, and each inspector shall appoint one person to act as inspector for each additional precinct, and the judges of the several precincts of each ward shall together appoint one person to act as judge for the remaining precinct, if there shall be an odd number of precincts in any of said wards, and the inspectors of the several precincts of each ward shall together appoint two persons to act as inspectors for the remaining precinct, the said inspectors shall each appoint one clerk, and the judges, inspectors, and clerks shall severally be sworn or affirmed according to law, and shall perform all the duties and be subject to all the penalties and restrictions now imposed upon election officers: *Provided*, That hereafter the judges and inspectors shall be elected in the several precincts or wards by the qualified voters thereof, in the manner and at the time now directed by law.

SECTION 3. That the judges, inspectors, and clerks of each precinct of the several wards of the city of Philadelphia shall meet together at the State House in said city, on the second day (Sunday excepted) after any election, and there add together the number of votes given for each person voted for, and make out the returns as the nature of the election may require, complying in all respects with the provisions of the existing laws of this Commonwealth; and in like manner the judges, inspectors, and clerks of each precinct of the several wards of each incorporated district as aforesaid shall meet together at the commissioners' hall in each of said districts, and add together the number of votes given for each person voted for, and make out the returns as the nature of the election may require, complying in all respects with the provisions of existing laws.

SECTION 4. That hereafter, all elections (except military) in the city of Philadelphia, and in the incorporated districts of the county of Philadelphia, shall be held within the several precincts or wards of said city and districts, as the case may be, and the polls at said elections shall be opened at or before eight o'clock in the morning, and shall be closed at seven o'clock in the evening; the judges, inspectors, and clerks shall each receive the sum of two dollars in full as compensation for their services in conducting each election.

SECTION 5. That the county commissioners shall furnish the necessary boxes, blanks, and papers for holding the elections in each of said precincts, and they shall also furnish a list of taxable inhabitants of each precinct or ward, as now required by law: *Provided*, That the lists of taxable inhabitants now required to be made and posted up shall after the passage of this act be made out by streets, courts, or alleys, respectively, in which the inhabitants reside, designating the side of said street, court, or alley, in a head line: *Provided*, That hereafter, the judge and inspectors of each precinct or ward shall make the additional assessment as now provided by law; and each of said judges and inspectors shall receive one dollar per day for their services: *Provided further*, That the county commissioners are hereby authorized and required to furnish, previous to the time of making the additional assessments, to the judge or inspectors of each ward, precinct, or township where an election is to be held, the alphabetical window list, and that the said judge or inspectors shall enter the name of every person who is duly authorized by existing laws to be assessed in said book in alphabetical order; and after the said judge and inspectors shall have completed said additional assessment, the judge and each of the inspectors shall sign their names in each column of said book immediately following the last signature. The said judges and inspectors shall return to the county commissioners the additional assessments as required by existing laws, when the assessors of each ward shall enter the same in the assessors' book as heretofore: *And provided further*, That in all cases of additional assessment the tax shall be paid to the collector of the ward, who shall give a receipt for the same, and account to the treasurer of the county for all moneys so received; and the collectors of taxes of the different wards and precincts of the city and incorporated districts shall be required to be at their respective offices on the days of the general or municipal elections, for the purpose of receiving State, county, or other taxes, respectively, from ten o'clock, A. M., until the time of closing the elections; and for every evasion or refusal to comply with the provisions of this section, he shall be guilty of a misdemeanor, and shall be subject to a penalty of one hundred dollars, to be recovered in the same manner as debts of like amount are by law recoverable, one-half of which

shall go to the informer and the other half to the guardians of the poor of the city and incorporated districts.

Repeal.

SECTION 6. That the fourth section of an act entitled "A further supplement to an act entitled 'An Act relating to the elections in this Commonwealth,'" passed the eleventh day of April, one thousand eight hundred and forty-eight, be, and the same is hereby repealed: *Provided*, That all persons acting as judges and inspectors of the general election in the city and county of Philadelphia may be re-elected, any law to the contrary notwithstanding.

Commissioners.

SECTION 7. That Earl Wheeler, Charles S. Minor, Francis B. Peniman, and Benjamin B. Smith, of Wayne county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Jefferson Railroad Company," with all the powers and subject to all the provisions and restrictions (except so far as they are hereby altered or repealed) prescribed by an act entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Style.

Subject to provisions of certain act.

Capital stock.

SECTION 8. That the capital stock of said company shall consist of one million of dollars: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road, and to carry out the true intent and meaning of this act.

Tracks.

SECTION 9. That said company shall have the right to build or construct, with a single or double track, a railroad beginning at any convenient point on the Delaware river, in Pike county, thence by the best, most convenient, and practicable route through the county of Wayne, terminating in the county of Susquehanna, at any point in the line of the State of New York.

Damages.

SECTION 10. That whenever the parties cannot agree upon the damages claimed, either for lands or materials taken by said company in the prosecution of their work, the mode of proceeding in regard thereto shall be the same in all respects as is provided for in section second of the act passed the sixth day of April, one thousand eight hundred and fifty, regulating the course of proceeding in the case of the Legett's Gap Railroad Company.

Commencement and completion of road.

SECTION 11. That if said company shall not commence the construction of said road within six years, and complete and open the same for use with at least one track within ten years, then this charter shall be null and void.

Anthony township, Montour county, place of holding elections in.

SECTION 12. That hereafter, the qualified voters of Anthony township, in Montour county, shall hold their general and township elections at the public house of John F. Derr, and now occupied by Andrew Crawford, in said township.

Derry township, Montour county.

SECTION 13. That hereafter, the qualified voters of Derry township, in the county of Montour, shall hold their general and township elections at the house of Jacob Seidle, in said township.

Continuance fees of prothonotaries in Bradford and Susquehanna counties.

SECTION 14. That an act relative to continuance fees of prothonotaries, passed April twenty-sixth, one thousand eight hundred and fifty, shall not be construed to be retrospective in its operations.

Moyamensing, Philadelphia county, road damages in.

SECTION 15. That the district of Moyamensing, in the county of Philadelphia, shall not be liable for any damages under the fifteenth section of an act entitled "An Act relative to a State road from Martin's creek, in Northampton county, to Stroudsburg, in Monroe county, et cetera," approved the twelfth day of April, Anno Domini, one thousand eight hundred and fifty-one.

SECTION 16. That the words "and township" shall be inserted immediately after the word "borough," wherever it occurs in the nineteenth section of the act entitled "An Act to regulate certain election districts, et cetera," approved the twenty-ninth day of March, Anno Domini, one thousand eight hundred and fifty-one. Act relative to certain election districts amended.

SECTION 17. That the nominations now required to be made to the marshal of police by the councils of the city of Philadelphia, and the commissioners of the several incorporated districts within the Philadelphia police district, shall be made in the month of November in each and every year; and whenever a vacancy may occur, said marshal of police shall appoint from nominations made by said city and districts for the unexpired part of the current year, as in the case of original appointments made for a whole year. Time for making nominations to marshal of police fixed.

SECTION 18. That from and after the first day of January, one thousand eight hundred and fifty-two, inclusive, said policemen shall hold their appointments for the term of one year, if they so long behave themselves well, except in the case of appointments made to fill vacancies, which shall be for the unexpired time, part of the current year, and no longer; and all policemen and lieutenants of police now in commission under said marshal shall continue in office to the end of the present year, unless sooner removed, as provided for by existing laws. Term of appointment.

SECTION 19. That it shall be the duty of the marshal of police under this act, or one or more of the lieutenants of police, to be present at all fires occurring in said city or incorporated districts to preserve the public peace and protect property. Duties of marshal, &c.

SECTION 20. That the incidental expenses of the board of police, and the police force constituted and established by an act of Assembly, approved the third day of May, Anno Domini, eighteen hundred and fifty, entitled "An Act regulating municipal and other elections in the city of Philadelphia, and to establish an uniform system of police for the city of Philadelphia and the districts of Southwark, Moyamensing, Spring Garden, Penn township, the incorporated Northern Liberties, and Kensington," and the supplement thereto; that is to say, the expenses to be incurred for office rent, clerk hire, fuel, stationary, and the like, shall be paid by the commissioners of the county of Philadelphia in the manner that debts of the said county are now by law paid. Incidental expenses of the board of police to be paid by the county commissioners.

SECTION 21. That all fees, costs, fines, and rewards, which the marshal, lieutenants of police, or policemen elected or appointed by virtue of said acts, would be by law entitled to receive, if they were not forbidden to receive the same by the said acts, shall be paid by the aldermen, justices of the peace, officers, or parties receiving or holding the same, to the board of police, who shall apply the amount thereof towards the payment of the incidental expenses before mentioned. Fees, fines, &c.

SECTION 22. That so much of any law as is inconsistent with so much of this act as relates to the Philadelphia police district, is hereby repealed. Repeal.

SECTION 23. That the act entitled "An Act for the better regulation of police in the city of Philadelphia and the adjacent districts," passed the twelfth day of April, one thousand eight hundred and forty-five, be, and the same is hereby repealed. Repeal.

SECTION 24. *Be it enacted, &c.,* That in any ward or precinct in the city or the incorporated districts of the county of Philadelphia, after the application of twenty citizens alleging under oath that they are apprehensive of frauds, the judge of the Court of Common Pleas of said county may select and authorize at least three persons to be present with the officers during the election and the preparation of the tally paper, and while To prevent frauds at elections in the city and incorporated districts of the county of Philadelphia.

they are making out and signing the returns: *Provided*, That no expense be incurred by said county under the provisions of this section.

School directors
of Williamsport
borough and
Monongahela
city authorized
to sell certain
real estate.

SECTION 25. That the directors of common schools in the borough of Williamsport and Monongahela city, in the county of Washington, be, and are hereby authorized and empowered to sell and convey *by and sufficient titles*, any lot or lots which are held by them either by bequest or purchase, with the house or houses thereon and the appurtenances thereto; and to purchase and hold other sites for the erection of school houses and other building for the accommodation of the youth of the said borough.

Half-pilotage,
relative to.

SECTION 26. That nothing contained in any act of Assembly shall be so construed as to require any vessels engaged in the Pennsylvania coal trade to pay any health fee of half-pilotage either inward or outward bound.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 379.

AN ACT

For the relief of Lawrence Taliaferro, late treasurer of Bedford county, and incorporating Mount Pleasant College.

Lawrence
Taliaferro, for
relief of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the State Treasurer is hereby authorized and directed to pay out of any money in the treasury not otherwise appropriated, to Lawrence Taliaferro or order, the sum of five hundred and sixty-four dollars, that being balance of State taxes not restored to him of a larger amount stolen from him whilst treasurer of Bedford county, and for the larceny of which the thief was duly convicted, sentenced, and afterwards released by the Executive on reasons given to him.

Style.

SECTION 2. That there be and hereby is established at Mount Pleasant, in the county of Westmoreland of this Commonwealth, a college for the education of the youth in the various branches of science, literature, and the arts, by the name and style of the "Mount Pleasant College," in the State of Pennsylvania—to be under the control of the Allegheny conference of the Church of the United Brethren in Christ, and other conferences of said church which may be hereafter added thereto for the purposes set forth in this enactment.

SECTION 3. That the said college shall be under the management, direction, and government of a number of trustees, not less than eighteen nor more than twenty-four (seven of whom shall constitute a quorum), who shall be elected annually by the Allegheny conference, and any other conference which may be added thereto. Trustees.

SECTION 4. That the trustees of the said college shall consist of the following-named persons, until others shall be elected as provided in the second section, to wit: Isaiah Potter, S. S. Snider, J. B. Resler, David Keister, Jacob Erle, William R. Griffith, Samuel Zuck, Cyrus Jeffries, William Beighel, U. S. Johnston, J. L. Homes, David S. Cherry, Joseph Gross, John Clair, Jacob Ritter, Abraham Pershing, C. Ebersale, and Solomon Keister, which trustees and their successors shall be, and they are hereby erected, established, and declared to be a body corporate with perpetual succession, and with all the incidents of a corporation in deed and in law, with full power to sue and be sued, to plead and be impleaded, to have and to use a common seal, to alter and renew the same at pleasure, to acquire and hold for the use of said college any estate in messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever: *Provided*, The annual income of the same, exclusive of the income from students, does not exceed the yearly value of five thousand dollars; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell and convey, assure, devise, and to farm, let out and place out at interest, or otherwise dispose of or invest for the use of the college in such a manner as they may think best; and to receive the rents, issues, profits and incomes from the same, and to apply the same to the use of the said college. Present trustees.

SECTION 5. That the meetings of the trustees shall be held annually, and oftner if necessary, at the college buildings; the annual meetings to be appointed by the board, and *and* the special meetings by the president of the board; the first annual meeting to be held on the fourth of July next after the passage of this act, at which time the board shall be organized by electing a president, recording secretary, and Powers and privileges.

SECTION 6. That the trustees shall have power to make by-laws for the government of the said college: *Provided*, Said by-laws be not inconsistent with the laws of the United States or of this State, to prescribe the course of study to be pursued, to appoint a president and professors, who shall constitute the faculty of the college, and to remove any or all of them for misconduct or incompetency, to connect with the college an academical department, to confer in connection with the faculty such degrees in the arts and sciences upon the students of the college and others when by their proficiency in learning, professional eminence, or other meritorious distinction, they shall be entitled thereto, as are conferred in other colleges or universities in the United States. They shall also have power to fill all vacancies *accruing* in their body during the interval of the sessions of the Allegheny Conference, or any other that may be added thereto, to appoint agents to solicit and collect funds for the use of said college, for the endowment of professorships, for the erection of buildings to be used for college purposes, and for the purchase of lands and mechanical implements wherewith to connect the manual laboring system, if deemed expedient, and generally to do all other business necessary for the prosperity and success of the college. Annual meeting of trustees.

SECTION 7. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest to the said corporation. By-laws.

Certain charter
declared void.

SECTION 8. That the charter granted by the Court of Common Pleas of the county of Westmoreland of this Commonwealth, incorporating the "Mount Pleasant College," shall be, and hereby is declared to be null and void after the passage of this act.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 380.

AN ACT

To authorize the laying out of a State road from a point in a public road leading from Fredericksburg to the Big Dam, to another point in a public road leading from Fredericksburg to Pinegrove, incorporating the Evangelical Church in Myerstown, Lebanon county, and authorizing John Fortney to sell certain real estate, and relative to the records of the Orphans' Court of Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry B. Seidel and William M. Murray, of Lebanon county, and Adam Shœner, of Berks county, be, and they are hereby appointed Commissioners, to view and lay out a State road from a point in the public road leading from the town of Fredericksburg, Lebanon county, to the Big Dam, to a point in the public road leading from Fredericksburg to Pinegrove, in Schuylkill county. And the said commissioners named in this section are authorized and directed to lay out and locate said road under the same provisions and restrictions as are contained in the second, third, fourth, fifth, and sixth sections of the act entitled "An Act authorizing and providing for laying out a State road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county," passed the fourteenth day of March, one thousand eight hundred and forty-nine.

SECTION 2. That the Evangelical congregation in Myerstown, in the county of Lebanon, State of Pennsylvania, be, and the same is hereby erected into a body politic and corporate in deed and in law, by the name, style, and title of "The Trustees of the Evangelical Church in Myerstown," and by the same name shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take and to hold to them and their successors for the use of said church, lands, tenements, goods, and chattels of whatsoever kind, nature, or quality, real, personal, or mixed, which now is or may here-

after become the property of said congregation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve, or dispose of for the use and benefit of the said church: *Provided*, That the yearly value or income of the said estate shall not at any one time exceed two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious purposes.

SECTION 3. That the business of the said congregation shall be conducted by six trustees, who shall choose from their number a president and secretary, and may appoint a treasurer and any other officers they may deem necessary. And until others shall be appointed as hereinafter prescribed, the following-named persons shall be the trustees, viz.: George Moyer, James Donough, Philip Martin, George Segner, Seth Baehman, and A. D. Stonex, to continue in office until the first Saturday in January, one thousand eight hundred and fifty-two, on which day the members of the congregation shall elect six persons to serve as trustees in manner hereinafter described, two of whom shall serve for three years, two for two years, and two for one year, the term of service to be designated by the electors on their ballot, and their places respectively shall be supplied by the annual election on the first Saturday of January, of two persons to serve for three years: *Provided*, That in case of vacancy by death or otherwise the remaining trustees shall appoint a person to supply the same until the next election, when the vacancy shall be supplied by election; and any person contributing yearly to the support of said church shall be entitled to vote at the elections of said incorporation.

SECTION 4. That before the trustees for the time being shall grant, bargain, sell, or otherwise dispose of any of the property belonging to said corporation, they shall obtain the consent of a majority of said trustees at a special meeting called for that purpose, and afterwards approved by the members of the quarterly conference of the circuit or station including said congregation. Sale of property.

SECTION 5. That the said trustees and their successors shall have full power to enact and enforce such by-laws as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure, to change the time and place of holding their annual elections as the same may be found convenient; and if the congregation neglect on the day of their annual meeting to hold their election, the trustees may appoint any subsequent time on which the election shall be held: *Provided*, That notice of time and place shall be publicly given on the Lord's-day, immediately after divine service, at least one week before the time of holding such election: *And provided also*, That the said by-laws be framed, enacted, and promulgated, and all the acts of said corporation be in conformity with the rules and principles of the general Evangelical church of the United States, existing and established at the time of the enactment thereof, unless otherwise ordered by a majority of the congregation, and not inconsistent with the Constitution or laws of this State or of the United States; and the Legislature reserves the right to repeal, alter, or amend this act or any part thereof at any time hereafter: *Provided however*, That no injustice be done to the incorporators. By-laws.

Whereas, Lewis Yuengst and wife conveyed a certain piece of land to Tobias Kreider, who, together with his wife, conveyed the same to the said Lewis Yuengst, John Fortney, John Bohr, and Levi Leguer, in trust for the use of the Evangelical Lutheran and Reformed Asso- Preamble.

ciation: *And whereas*, The object of the said conveyance has now ceased, and the building erected on said land is no longer useful or necessary for the purpose originally intended: *And whereas*, There is no power vested in the courts of this Commonwealth to authorize the sale of the same; therefore,

John Fortney
authorized to
sell certain real
estate.

SECTION 6. That John Fortney be, and he is hereby authorized and empowered to sell to Lewis Yuengst, the land conveyed as before recited, and to sell at public sale the building thereon erected, and to distribute the proceeds of such sale, deducting therefrom the necessary expenses, to and among the contributors to the erection of said buildings, rateably and in proportion to their respective contributions, and under the supervision of the Court of Common Pleas of Lebanon county: *Provided*, That the said John Fortney shall before any such sale file his bond in the prothonotary's office of said county in such amount as shall be fixed, and with one or more sufficient sureties, to be approved by a judge of the said court, conditioned that he will faithfully perform his duties as trustee under this act.

Orphans' Court
of Lebanon
county, relative
to.

SECTION 7. That the judges of the Orphans' Court of Lebanon county are hereby authorized, immediately upon the passage of this act, to direct and require the clerk of the Orphans' Court of Lebanon county, to copy and place upon record in a book or books to be provided for the purpose, all accounts of executors, administrators, and guardians and auditors' reports filed and confirmed in said court from the twenty-fifth day of April, Anno Domini, eighteen hundred and forty-five, to the twenty-fifth day of April, Anno Domini, eighteen hundred and fifty, and to make a full and complete index of the matters so recorded. And on the same being approved by the said judges aforesaid, it shall be the duty of the said judges to certify the amount of compensation due the said clerk to the county commissioners of Lebanon county, who shall draw their warrant on the county treasurer of said county, in favor of said clerk for the amount thereof: *Provided*, The compensation does not exceed the fees allowed by law to recorder of deeds for similar services.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FIFTY-ONE.

No. 1.

RESOLUTIONS

Relative to granting a portion of the public lands to soldiers and sailors who served in the war of 1812, and soldiers of the Indian wars.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That inasmuch as many of the soldiers who were recruited into the service of the United States before the conclusion of the war with Mexico were scarcely a month on duty, and yet received one hundred and sixty acres of land, it is in the opinion of the General Assembly of this Commonwealth both just and equitable that those who served in the war of eighteen hundred and twelve, whether upon land or water, as well as in the Indian wars, should receive the same number of acres of the public domain.

Resolved, That the Governor be requested to forward a copy of the foregoing resolutions to each of our senators and members of the House of Representatives in Congress, and that they be requested to vote in favor of the grant herein recommended.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON

No. 2.

RESOLUTIONS

Relative to the public piers at Chester.

WHEREAS, The Legislature of this Commonwealth caused to be erected in the harbor of Chester, on the Delaware river, at an expense of nearly nineteen thousand dollars, two public piers, extending into said river for the accommodation of the shipping thereon;

And whereas, The said Legislature by the act of April eleventh, one thousand eight hundred and twenty-five, ceded the same to the United States, such cession to take effect when the Congress of the United States should extend the said piers—the act of August seventh, one thousand seven hundred and eighty-nine, requiring the expense of the repairing of light-houses, public piers, &c., to be paid out of the treasury of the United States;

And whereas, By the act of Congress of March second, one thousand eight hundred and twenty-seven, the cession of said piers upon the terms thereof was accepted, and the United States thereby became absolute owner thereof, under the obligation to keep them in repair, imposed by the said act of one thousand seven hundred and eighty-nine;

And whereas, The said piers are and for some years past have been in a state of great dilapidation, so much so that the original design is in a great degree frustrated; therefore,

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Senators and Representatives of this Commonwealth in the Congress of the United States, be requested to ask for the appropriation of such sum out of the treasury of the United States as will be necessary to the repair of said piers.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 3.

RESOLUTIONS

To procure the distribution of the reports of the decisions of the Supreme Court of the United States.

WHEREAS, In the opinion of the Legislature of Pennsylvania the reports of the decisions of the Supreme Court of the United States, containing as they do the only authentic exposition of the Constitution and acts of Congress, and embodying the Supreme judicial law of the Union, their dissemination should be co-extensive with the vast and wide interests over which they have a controlling influence; therefore,

Resolved, That it is the duty of Congress to provide for the distribution of the reports of the decisions of the Supreme Court of the United States in such manner as will best promote the public interest.

Resolved, That the Senators and Representatives from this State in Congress be requested to use their influence in procuring the passage of a law providing for the distribution of said decisions as indicated in the foregoing resolution.

Resolved, That His Excellency the Governor be requested to transmit copies of the above resolutions to the presiding officers of both houses of Congress, and to each of our Senators and Representatives in Congress.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 4.

RESOLUTIONS

Relative to the establishment of a line of mail steamers between San Francisco and China, and Philadelphia, Norfolk, and Europe.

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That we view with approbation the project of uniting Philadelphia with the South by establishing an Atlantic and Pacific line of steamers, which enterprise will secure much of the valuable trade from the continent of Europe,

as also from China and the Pacific, hitherto so profitable to northern enterprise, to the southern States and Pennsylvania, who in common can advance to that eminence in commercial prosperity to which their combined resources, favored position, and adaptation to commerce entitle them.

Resolved, That the combination of scientific skill and practical knowledge evinced by Ambrose W. Thompson, the designer and constructor of some of the most safe, successful, and speedy steamers afloat, and through whose energies the "Atlantic Steam Navigation Company" was brought into successful operation, entitles him to the confidence of the government of the United States, as well as of California, the governments of Virginia and Pennsylvania, in carrying out the projected undertaking, he being the first to engage in uniting the last two mentioned States in an enterprise looking to their common benefit.

Resolved, That our Senators in Congress be, and they are hereby instructed and our representatives requested to support the bill reported by the committee on Naval Affairs, by which it is proposed that the government shall contract with Ambrose W. Thompson, to establish a line of mail steamers from California to China, and a line from Norfolk and Philadelphia to Antwerp, in Europe.

Resolved, That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, with the request that they will be laid before their respective bodies.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 5.

RESOLUTION

For the relief of Thomas C. Hambly.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Treasurer of the Commonwealth is hereby directed to pay to Thomas C. Hambly, upon the warrant of the Governor hereby authorized for that purpose, out of any moneys in the treasury not otherwise appropriated, the sum of six hundred and five dollars in full for his services as counsel

for the Commonwealth of Pennsylvania in the case of Edward Prigg, and others, in the Supreme Court of the United States.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 6.

RESOLUTION

Relative to the claims of John Rhey.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That John N. Purviance, Auditor General, or his successor in office, be hereby authorized and required to investigate fully the claims of John Rhey, and report to the Legislature the amount, if any, due and unpaid to him.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 7.

RESOLUTIONS

Relative to the granting of additional bounty lands to certain officers and soldiers of the war of eighteen hundred and twelve.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators in Congress be instructed and our Representatives requested to

procure the passage of a law awarding an additional quantity of land to such officers, non-commissioned officers, and privates of the war of eighteen hundred and twelve as can show to the satisfaction of the proper department that they had continued in service (at the request of their commanding officer to meet emergencies) after their term had expired, and that they had received an honorable and final discharge.

Resolved, That the Governor be requested to forward copies of this resolution to the Speakers of the two Houses of Congress.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 8.

RESOLUTION

Of thanks to the Honorable Daniel Webster for his vindication of the principles of the Government of the United States in his letter to Chevalier Hulseman.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the thanks of this Legislature are eminently due to the Honorable Daniel Webster, and that they be and are hereby tendered to him for the very able and patriotic manner in which he has vindicated the well-established principles of the Government of the United States in regard to its intercourse with foreign nations in his letter to Chevalier Hulseman, Charge d'Affairs from the Government of Austria to the United States, dated December first, one thousand eight hundred and fifty.

Resolved, That the Governor be requested to transmit to Mr. Webster a copy of the foregoing resolution.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 9.

RESOLUTION

Authorizing the State Treasurer to defray certain expenses incurred in the investigation of the affairs of the Delaware and Hudson Canal Company.

WHEREAS, Luther Kidder, William A. Crabb, and Asa Dimock, were appointed by the Senate, during the session of one thousand eight hundred and forty-four, to investigate certain charges preferred against the Delaware and Hudson Canal Company—that in pursuance of said appointment, Messrs. Kidder and Crabb, two of said committee, proceeded to Carbondale, in Luzerne county, in the month of August in the same year, and instituted a full and rigid investigation of said charges, and were engaged several days in taking testimony, a report of which investigation was made to this body in January, one thousand eight hundred and forty-five;

And whereas, The acting members of said committee have received no compensation for the services thus rendered; therefore,

Resolved, That the State Treasurer be, and he is hereby authorized and directed to pay to the said Luther Kidder and William A. Crabb the sum of fifty dollars each, as a full compensation for the services aforesaid.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 10.

RESOLUTION

Relative to the pay and mileage of the Revenue Commissioners.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the daily pay and mileage of the present Board of Revenue Commissioners and

their officers shall be the same as is now allowed by law to members of the Legislature.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twentieth day of March, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 11.

RESOLUTION

Giving the assent of this Commonwealth to the purchase of ground in the city of Pittsburg by the United States for the erection of public buildings, and releasing the same from all taxes.

WHEREAS, The Congress of the United States by an act approved on the third day of March, Anno Domini, one thousand eight hundred and fifty-one, entitled "An Act making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June, one thousand eight hundred and fifty-two, and for other purposes," which contains among other provisions the following, to wit: "For purchasing a site and commencing the erection of a suitable building in the city of Pittsburg, Pennsylvania, for custom-house, post-office, court-rooms, and other offices of the United States, the sum of seventy-five thousand dollars: *Provided*, That the said building shall be exempted from city taxes and all other taxes whatever by the act of the Legislature of Pennsylvania: *And provided further*, That the plan of the building shall be such that the whole cost both of site and building shall in no event exceed the appropriation herein made;" therefore, in order to carry into effect the provisions of the act of Congress, be it therefore

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the consent of the Legislature of the Commonwealth of Pennsylvania is hereby granted to any purchase of ground which the United States may make within the city of Pittsburg for the erection of the public building described in said act of Congress, and that said ground, together with the buildings erected or to be erected thereon, shall be free and exempt from all State, county, city, school, poor, and all other taxes whatsoever: *Provided*, That nothing herein contained shall extend or be construed to extend so as to impede or prevent the execution of any process, civil or criminal, under the authority of this State.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

No. 12.

RESOLUTIONS

Relative to the death of General Zachary Taylor, late President of the United States.

WHEREAS, It has pleased Divine Providence to remove Zachary Taylor, President of the United States, from the high position to which he had been elevated by the American people;

And whereas, The brilliant military and civil services of the deceased have conferred lasting honor on his country, and eminently promoted her interests at home and her honor abroad;

And whereas, It is becoming that the people of Pennsylvania through their public authorities should express their appreciation of his virtues and services, and their sincere regrets at his decease; therefore,

Resolved, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That it is with profound regret we mourn the death of our late distinguished Chief Magistrate, General Zachary Taylor, whose honesty of purpose and anxious desire to promote the best interests of his country, were exhibited throughout his whole life; whose private character and civil career were adorned and illustrated by his talents and virtues, and whose military achievements furnish some of the proudest remembrances of our country's history.

Resolved, That the Governor be requested to transmit to the widow of the late President a copy of the foregoing resolution, and express to her the sympathy and condolence of the General Assembly in the sad bereavement sustained by herself and family.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 13.

RESOLUTION

For the relief of Sherman Bills, Indiana county, relating to the town of Minersville, in Schuylkill county, incorporating the borough of Shelocta, in the county of Indiana.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Canal Commissioners be, and they are hereby authorized and di-

Canal Commis- sioners author- ized to examine claim of Sher- men Bills. rected to examine the claim of Sherman Bills for work done on dam number two, Kiskiminitas line of Pennsylvania canal, and to give to said Sherman Bills, and Bills and Foreman, the privilege of producing such legal testimony on the subject as shall be in his power, and settle the same on such terms as shall be just and equitable.

Limits of the borough of Minersville ex- tended.

SECTION 2. That the limits of the borough of Minersville, in the county of Schuylkill, be extended, and that from and after the passage of this act the boundary line of said borough shall be as follows: Beginning forty perches eastwardly from the north-west white oak corner of lands now or late the property of the Delaware Coal Company on the northern line of said lands in Cass township; thence through lands of said Delaware Coal Company and lands now or late of Bollock and company, south thirty-two degrees, east or parallel with the original line of said borough two hundred and thirty-nine perches; thence through lands of said Bollock and company to lands now or late of the Miners' Bank, and a tract of land known as the Dreibelbies tract, south sixty degrees, west two hundred and thirty-nine perches; thence through said Dreibelbies tract and lands now or late of Robert M. Lewis and Lawrence Lewis, and lands of Joseph Jeanis, north thirty-two degrees, west two hundred and thirty-nine perches; thence through lands of said Joseph Jeanis and along the division line between the said Delaware Coal Company's lands and a tract of land known as the Oak Hill tract, north sixty degrees, east two hundred thirty-nine perches, to the place of beginning.

Quorum.

SECTION 3. That from and after the passage of this act, five members of the town council of the said borough shall form a quorum.

Votes.

SECTION 4. That the inhabitants of said borough entitled to vote for members of the General Assembly, and who shall have resided within the said borough for six months immediately preceding any election for borough officers, and shall have paid a county or borough tax within one year immediately preceding such election, shall be qualified voters entitled to vote at any of said elections.

Repeal.

SECTION 5. That so much of the first, second, and eighth sections of the act to which this is a supplement, as is altered or supplied by this act, be, and the same is hereby repealed.

Shelocta incor- porated into a borough.

SECTION 6. That the town of Shelocta, in the county of Indiana, be, and the same is hereby erected into a borough, to be called "The borough of Shelocta," under and subject to all the provisions of an act entitled "An Act regulating boroughs," approved the third day of April, A. D., one thousand eight hundred and fifty-one, bounded and limited as follows: Beginning at a stump at Crooked creek, thence north fifteen degrees, east eleven perches to a bridge; thence north forty-eight and a-half degrees, east ten perches to a post; thence north twenty-six degrees, east forty-two perches to a post; thence north fifty-six degrees, west thirty-one perches to a post; thence north forty-seven and a-half degrees, west twenty-four perches to a post; thence north forty degrees, east six perches to a post; thence north forty-seven degrees, west eighteen perches to a post; thence south sixty-two degrees, west fifty-six perches to Crooked creek; thence along said creek to the place of beginning.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS,

Speaker of the Senate.

· APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.
WM. F. JOHNSTON.

APPENDIX

CONTAINING LAWS PASSED AT THE SESSION OF 1848, 1849, 1850,
AND 1851, UPON WHICH THE TAX HAS BEEN PAID SUBSEQUENT-
LY TO THE PUBLICATION OF THE PAMPHLET LAWS OF 1851.

[1848.]

No. 419.

AN ACT

To incorporate the Presbyterian Church and Congregation of Plaingrove, in
Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Presbyterian Church and Congregation of Plaingrove, in the county of Mercer and State of Pennsylvania, citizens of Pennsylvania, be, and they are hereby created into one body politic and corporate in deed and in law, by name, style, and title, of "The Presbyterian Church of Plaingrove," and by the same name have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law or elsewhere, and shall be able and capable in law and equity to take and to hold to them and their successors, for the use of the said church, lands, tenements, goods and chattels of whatsoever kind, nature, or quality, real, personal, or mixed, which now are or shall hereafter become the property of the said church or congregation by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, or dispose of for the use of said church or congregation: *Provided,* That the yearly value or income of the said estate shall not at any time exceed two thousand dollars.

SECTION 2. The trustees of said church and congregation shall be six in number, and until others shall be elected shall consist of the following named persons: Alexander McBride, David Armstrong, Henry Jordan, William Martin, George Book, and George A. Rodgers, to continue in office until the first Monday in January, one thousand eight hundred and forty-nine, on which day the members of said congregation shall elect six persons to serve as trustees, two of whom shall serve three years, two of them two years, and two one year from the said date; the time of service for each to be designated by the electors at the time of election, and their places shall be supplied respectively at

the annual election to be held on that day in every year hereafter, by the election of two persons to serve for three years, so that each trustee's term of office after the first election shall be three years: *Provided*, That in case of vacancy by death or otherwise the remaining trustees shall appoint a person to fill the vacancy or vacancies until the next annual election, at which time an election shall be held to fill such vacancy during the unexpired time or term of the member occasioning the same.

By-laws.

SECTION 3. That said trustees and their successors shall have power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have, and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter, or renew at their pleasure. And if the said congregation neglect on the day of the annual meeting to hold their election, the majority of the existing trustees may appoint any subsequent day on which the election may be held: *Provided*, That notice thereof be given from the pulpit or clerk's desk, or in such other manner as the majority of the trustees may think proper to direct, at least two weeks before said election: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the laws of this State or of the United States.

Seal.

Powers and
privileges.

SECTION 4. No enumeration of powers, privileges, and duties herein contained, shall be so construed as to exclude others not enumerated which are necessary to the proper fulfilment of the design and purpose of this corporation, and not inconsistent with the express provisions and limitations thereof, or of the Constitution and laws of this Commonwealth or of the United States.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. F. JOHNSTON.
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 9.

RESOLUTIONS

Relative to a new county to be called "Forrest."

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That so much of Jefferson county as will be included in the following boundaries, viz.: Beginning at the termination of the straight line running west on the south side of Elk county, and from thence a due west course until the same intersects the north and south line on the west side of Jefferson county, thence along the Jefferson county line to its termina-

tion, thence east along the Jefferson county line to the Elk county line, thence along the Elk county line to the place of beginning, be, and the same is hereby erected into a new county, to be called "Forrest county."

Resolved, That Joseph Y. James, of Warren county, William P. Wilcox, of Elk county, and Hiram Payne, of McKean county, be, and they are hereby appointed commissioners to cause the lines of the said new county to be run and located, and to locate in said county a proper site for the seat of justice of said county, and that they make report of the same to the commissioners of Jefferson county which location shall be the seat of justice for said county.

Resolved, That until the said county shall be organized for judicial and county purposes, it shall remain attached to Jefferson county for such purposes; and elections shall be held in the townships as they now are without reference to the lines of said new county and the returns made as heretofore to Jefferson county.

Resolved, That township officers shall be elected as usual, and generally the business of each township transacted as if such new county had not been created.

WM. F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

APPROVED—The eleventh day of April, A. D., one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

[1849.]

No. 467.

AN ACT

To authorize David Burger, of Blair county, to make sale of certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That David Burger, surviving trustee in and under a deed dated the fifth day of December, Anno Domini, one thousand eight hundred and thirty-six, from Jacob Shenafelt, late of North Woodbury township, in the county of Blair (formerly Bedford county), deceased, to Abraham Longenecker, now deceased, and the said David Burger, for "a certain lot or piece of ground situate in the town of Martinsburg, in said county, being thirty feet in front on the main street run-

David Burger, surviving trustee, empowered to sell certain real estate.

Proviso.

ning east and west, and one hundred and fifty feet deep, on which are erected a two-story log house, weather-boarded and painted white, and a frame stable," in trust after the death of the said Jacob Shenafelt for the support, use, and benefit of his son John Shenafelt, and after his death in trust and for the use of the right heirs of the said John Shenafelt, is hereby authorized and empowered to sell the said lot of ground and premises for the best price that can be gotten for the same, and convey the same to the purchaser thereof in fee simple, and to invest and secure the proceeds of such sale in or on other real estate for and to the like purposes, uses, and trusts as declared and appointed in the said original deed of trust and no other whatever: *Provided*, That before a deed shall be made to the purchaser of said lot and premises for the same, the sale thereof and the security of or for the proceeds of said sale shall be reported to and approved and directed by the Orphans' Court in and for the said county of Blair; and the said David Burger shall on making such report of sale give bond with security therein approved of by said court, in double the amount of said sale, to faithfully perform, comply with, and discharge the order and directions of said court in the premises, and the trusts and purposes declared and appointed in the said original deed of trust.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twelfth day of February A. D., one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 468.

AN ACT

To incorporate the White Deer Bridge Company.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph Moore, William Ellmaker, Jacob Stitzel, Thomas Bennett, Charles Gudykunst, William Piatt, junior, John Hunter, Thomas W. Lloyd, Robert Montgomery, Matthew Brown, John Bower, Adolphus D. Wilson, and Benjamin F. Pauling, of Lycoming county, Christian Gosh, James Pollock, William Beard, and William Heiner, of Northumberland county, and William Cameron, Abbot Green, and George Schnabel, of Union county, be, and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least three weeks' notice thereof in a paper printed in Lycoming county, of the time and place when and where the sub-

scriptions will be received; and at the time of subscribing for said stock, two dollars on each and every share subscribed shall be paid to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed; and the residue of said subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and managers of the company may direct.

SECTION 2. When one hundred shares shall have been subscribed, the persons holding the same are hereby created and incorporated into a company by the name and title of "The White Deer Bridge Com-Style. pany;" and by that name those who have subscribed and those that may thereafter subscribe shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge or fulfil the intent of this act; and of purchasing and holding to them and their successors, in fee simple or otherwise, any real or personal estate that may be deemed necessary, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice.

Privileges.

SECTION 3. That the capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively or by them subscribed, at such period and in such instalments as the directors of said company may order and determine.

Capital stock.

SECTION 4. As soon as one hundred shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Lycoming county of the time and place of meeting of the stockholders, who shall at such meeting proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, seven directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this Commonwealth, for the well ordering of the affairs of said company and fixing upon the site or location of said bridge; and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election: *Provided*, That no stockholder shall have more than twenty votes. And the stockholders shall meet on the first Monday in January in every year at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.

Organization.

Officers.

Votes.

Proviso.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder in person or by attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid. And the president and directors shall meet at such

Certificates of stock.

Transferable.

Quorum. times and places as shall be agreed on for the transaction of business at such meetings—five members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, and agents, as they shall think necessary, to construct a bridge across the West Branch of the Susquehanna river near Uniontown, in Lycoming county, and to complete the same and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and to do and transact all things that by this act and the by-laws or regulations of the company may be lawful.

Enter upon lands. **SECTION 6.** It shall be lawful for the president and directors, their superintendents, engineers, and workmen, to enter on lands and enclosures near the place where the bridge is to built, and to cut and carry off any timber, or dig gravel, quarry stone, or gather sand necessary for building said bridge; also to enter thereon with wagons, carts, sleighs, or beasts of burden or draft, and take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and making amends for any damage that may be done; which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties. And if the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choice, then said freeholders shall on application be appointed by any justice of the peace within the proper county not interested, who after being sworn or affirmed shall assess or appraise the damage and make report thereof to the justice of the peace who appointed them; and the said directors or other persons by them employed after the tender of the appraised value to the may enter, chop, dig, quarry, and carry off any material necessary in the building or repairing said bridge: *Provided*, That said company shall not have power to enter upon any lands or take or use any private property without first making compensation to the owner or owners thereof, or giving adequate security therefor.

Damages, how assessed and adjusted.

Proviso.

Accounts.

SECTION 7. That the president and directors of the said company shall keep just and fair accounts of all the moneys received by them in any way under the provisions of this act, and also of all moneys by them expended, and all voluntary contributions to said company; and shall at least once a year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

Tolls.

SECTION 8. When a good and complete bridge shall have been erected over the said West Branch of the Susquehanna at the place aforesaid, the company, their successors or assigns, may demand and receive toll from travelers and others crossing the same, not exceeding the following rates, viz.: For every score of sheep or swine twenty cents; for every score of horned or muley cattle forty cents; for every horse or mule driven or led four cents; for every horse or mule laden or unladen with rider, six and one-quarter cents; for every chair, chaise, or sulkey with two wheels and one horse ten cents; the same with two horses twelve and a-half cents; for every dearborn wagon with one horse ten cents; for every chaise, coach, phaeton, chair, stage, wagon, coachee or light wagon, with four wheels and two horses, twenty-five cents; for either of the last-named carriages or vehicles with four horses fifty cents; for every other carriage of pleasure by whatever name it may be designated the like sums of toll according to the number of wheels or horses drawing the same; for every sled or sleigh ten cents for each horse drawing the same; for every cart, wagon, or other carriage of burthen ten cents

for each horse drawing the same; and two oxen shall be rated as one horse or mule; for every foot-passenger crossing the bridge three cents; and they shall cause to be put and kept up in some conspicuous place at the gates of said bridge a list of the rates of toll: *And provided*, Proviso. That the bridge shall be so constructed *so* as not to injure or obstruct in any manner the navigation of the Susquehanna river.

SECTION 9. That if any person shall wilfully cut, destroy, break, or remove from off said bridge or any part thereof any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence over and above the damage done to said bridge the sum of twenty dollars, to be recovered with costs in any court having competent jurisdiction. Penalty for injuries to bridge.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company in proportion to the shares respectively held by each, deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a contingent fund for repairing or re-building said bridge, and shall on the first Monday of January in each year publish the dividends so made of the clear profits thereof among the stockholders, and shall give notice of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends shall be declared until all the expense of building and constructing said bridge shall be fully paid. Accounts of tolls.
Dividends.
Proviso.

SECTION 11. That the Legislature shall have power to alter the rates of toll fixed by this act, and the directors may lessen the same whenever they shall deem it necessary for the well-being of the company or the community at large. Reservation.

SECTION 12. That if the company hereby incorporated shall not commence the said bridge within three years, and complete the same within five years from the passage of this act, then this charter shall be null and void, except so far as to compel the said company to make reparations for damages. Commence-
ment and com-
pletion of
bridge.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-third day of March, A. D., one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 469.

AN ACT

To extend the charter of Honesdale Bank.

Honesdale
Bank, charter
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Honesdale Bank shall be, and the same is hereby extended and continued for the purpose of transacting the business of banking at its present location, for the term of fifteen years from the expiration of the present charter, with the capital stock as at present fixed by law, subject to the provisions imposed by this act and to the provisions now imposed upon the said bank by existing laws of this Commonwealth, and to such further provisions as the Legislature may hereafter enact for the regulation of banks in this Commonwealth.

Total liabilities
not to exceed
three times the
amount of stock
paid in.

SECTION 2. The total liabilities of the said bank, exclusive of capital stock, shall not at any time exceed three times the amount of its capital stock paid in, nor shall the debts of every kind due and to become due to the said bank, ever amount to more than four times its capital stock paid in; and the said bank shall neither loan nor discount when its circulation shall be equal for thirty consecutive days, to three times the amount of specie and notes of specie-paying banks in its possession belonging to said bank; and any balances standing to the credit thereof in specie-paying banks, convertible into specie at the pleasure of the said bank.

Auditor General
may require
statement.

SECTION 3. The Auditor General may at any time require the cashier of the said bank to state and return on his oath the amount of the circulation of said bank for any consecutive period of thirty days which he may designate, and also for the same period the amount of specie and notes of specie-paying banks in its possession belonging to the said bank, and the balance standing to its credit in specie-paying banks convertible into specie at the pleasure of the bank, and also the whole amount of its liabilities and debts due and to become due. And if upon the return so made it shall appear that any of the provisions of the second section of this act have been violated for the said period of thirty days so designated by the Auditor General, he shall give notice thereof to the Governor, who shall thereupon issue his proclamation declaring the charter of the said bank to be forfeited.

In case of for-
feiture of char-
ter assignment
to be made.

SECTION 4. If the charter of the said bank shall be forfeited in manner provided in the preceding section, after proclamation made by the Governor, then the directors of said bank shall forthwith make and execute an assignment in the manner provided in the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments, and for other purposes," and it shall thereupon be proceeded in the manner provided in that act. If the directors of the said bank should neglect or refuse to make the assignment provided for in this act, they shall be guilty of a misdemeanor, and upon conviction in any criminal court in the Com-

monwealth, be imprisoned in the jail of the proper county for any period not exceeding two years, in the discretion of the court.

SECTION 5. If any president, cashier, director, or any other officer or clerk of the said bank shall fraudulently embezzle or appropriate to his own use or to the use of any other person or persons any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in one of the State penitentiaries, as the case may be, to be kept in separate and solitary confinement at labor for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his or their civil remedy against such person or persons. Punishment for embezzlement.

SECTION 6. It shall be the duty of the Auditor General to require the said bank, on some discount day to be designated by him in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for, which exhibits the Auditor General shall prepare in tabular form, and communicate the same to both branches of the Legislature within ten days after their meeting: *Provided*, That the first section of the act approved the first April, one thousand eight hundred and thirty-six, entitled "An Act requiring banks of this Commonwealth to make quarterly statements to the Auditor General," shall not be made applicable to this bank. Proviso.

SECTION 7. It shall be the duty of the cashier of the said bank for the time being to prepare, upon the requisition of the Auditor General, a just and full exhibit of the affairs and condition of the said bank on at least four different discount days of the then current year, to be designated by the Auditor General, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank and every item thereof under separate heads, and also the entire amount of the indebtedness and liabilities of the said bank and every item thereof under separate heads, setting forth on the one side particularly, so as to give a full and proper view of all the assets belonging to the said bank; first, the amount of gold and silver in the vaults of the bank, the amount of current notes, checks, and bills of other banks, the amount of uncurrent notes, checks, and bills of other banks, the amount of any other obligations of other banks, the amount of bills and notes discounted, the amount of the mortgages of the bank, and the assessed value for the preceding year of the real estate bound by such mortgages, the amount of prior mortgages, judgments, and other liens, the amount of judgments held by the bank, and the assessed value for the preceding year of the real estate bound by such judgments, the amount of prior judgments, mortgages, and other liens, the amount of the real estate held and owned by the bank, and the assessed value for the preceding year of each separate piece or parcel of real estate owned by the bank, and its location, the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks, the amount due from insolvent banks, the names of such banks and the amount due from each one, the amount of public and corporate stocks and loans of the bank, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held, the amount of bonds held, designating particularly the nature and character of the bonds held and against whom or what, the amount of treasury notes, the amount of claims against individuals or Exhibit of the condition to be made out by cashier upon requisition of Auditor General.

Exhibit.

corporations that are disputed or in controversy, the amount of all other debts and claims, either due or to become due, and the value of any other property of the bank as the same stand charged on the books or otherwise, which said exhibit shall also set forth on the other side the debts and liabilities of the bank on the discount day designated by the Auditor General, specifying separately under distinct heads the various kinds of liability and indebtedness, the amount of capital stock actually paid in, the amount of the circulation, the amount of deposits, certificates of deposits, the amount due the Commonwealth, the amount due to corporations, the amount due to banks, the amount due to individuals, and the amount of claims against the bank remaining in controversy, and any other items of indebtedness or liability not embraced in the foregoing specifications.

Further duty of cashier in preparing exhibit.

SECTION 8. It shall moreover be the duty of the cashier in preparing the exhibit required in the preceding section of this act for the month of November preceding the meeting of the Legislature, to state in regard to each item and subdivision of the assets of the bank what is, in the judgment and ability of said cashier, the actual marketable cash value of each item of the same, and the amount of current notes of other banks on hand at the time the exhibit is made out; also the amount of uncurrent notes held by the bank.

Exhibit to be verified by oath of cashier.

SECTION 9. The exhibit agreeably to the seventh and eighth sections of this act shall be verified and accompanied with the oath or affirmation of the cashier of the said bank duly attested before some officer authorized by law to administer oaths to the following effect, namely: that he the said cashier has carefully examined the books and muniments of the bank, and has compared the same with the said as far as it is practicable exhibit, and that he verily believes that the said exhibit or statement presents a true, fair, and full view of the actual condition of the bank; and in addition to the above exhibit made for the discount day in the month of November preceding the meeting of the Legislature shall be accompanied with the oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several items of assets or the evidence thereof in the said exhibit referred to as far as is practicable, and that he has, according to the best of his judgment and ability, valued each of said items of assets at the absolute cash price which it would produce at the time, and that in his judgment the actual assets of the bank are bona fide worth the amount of the valuation so made by him.

Officers to take oath before entering upon their duties.

SECTION 10. The president, directors, cashier, and other officers of the said bank, and of every other bank hereafter chartered, shall before they enter on the duties of their several offices and stations, severally take an oath to be administered by some officer authorized by law to administer oaths, to observe faithfully and honestly the provisions of the several acts of Assembly applicable to the bank of which they are directors or officers, or in which they hold stations, and that they and each of them during their continuance in office will not knowingly violate or sanction or willingly permit any of the provisions of the law governing their charter to be violated; the said oath so to be taken shall be subscribed and immediately delivered to the Auditor General to be filed in his office.

Violation of official oath to be deemed perjury.

SECTION 11. If any president, director, cashier, or other officer of the said bank, or of any other bank hereafter chartered, shall, after having taken and subscribed the oath required by this act, wilfully violate any provision of an act of Assembly applicable to the bank of which he is an officer, he shall be deemed to have committed wilful and corrupt perjury; and upon conviction in any criminal court

in this Commonwealth he shall suffer such punishment as is inflicted by the laws of this Commonwealth on any person guilty of the crime of perjury.

SECTION 12. That the said bank shall pay into the treasury of the Commonwealth within three months after the expiration of the present charter, two per centum upon the whole amount of the capital stock thereof: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

Per centum to
be paid into
State Treasury.

SECTION 13. Neither the said Honesdale Bank nor any other bank hereafter chartered, shall issue and put in circulation any bill or note of said banks payable at any other place than at said bank, nor otherwise than payable on demand, nor of a denomination less than five dollars. And any violation of this section by any officer or officers of said bank or banks shall be a misdemeanor, punishable upon conviction by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Notes of a less
denomination
than five dol-
lars prohibited.

SECTION 14. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof except from profits actually acquired above the par value of the stock, and no such dividend shall be made at any time that will in any manner impair or diminish the capital stock of said bank.

Dividend.

SECTION 15. The stockholders of the said Honesdale Bank shall be jointly liable to the creditors of said bank being note holders in their individual capacity, for the amount of all the notes issued in an amount not exceeding the par value of the stock owned and possessed by them respectively; and the manner of enforcing such liability shall be as follows: In case the said bank shall violate the provisions of any law applicable to it so as to forfeit its charter, or becomes insolvent and in failing circumstances by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of this act or under the provisions of the act of twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisal of the assets of the said bank of every description at their cash value, and also to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make such deficiency in proportion to the respective amounts of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Individual
liability.

Assignment in
case of insol-
vency.

SECTION 16. If the said bank shall at any time fail or refuse to redeem its notes and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank during banking hours, such failure or refusal shall be deemed and held to be an absolute forfeiture of the charter of said bank.

Refusal to re-
deem notes in
specie to be
deemed a for-
feiture of char-
ter.

SECTION 17. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the Commonwealth of Pennsylvania, to be issued by the prothonotary of Wayne county, against all the stockholders of the said bank, reciting the amount of such deficiency and requiring them to appear at the next Court of Common Pleas in said county, and show cause why execution should not be issued against them for such amount; and such scire facias shall also set forth the proportions due from such of the said stockholders; and

Duty of as-
signees.

it shall be the duty of the sheriff of said county to serve the said writs upon all stockholders named in said writs residing within his bailiwick; and it shall be lawful for the Court of Common Pleas or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require: *Provided*, That the writ of scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named are not liable under the provisions of this act, it shall not vitiate the proceedings against others.

On return of scire facias execution may be awarded.

SECTION 18. On the return day of said writ of scire facias, it shall be the duty of the said court to render judgment against the stockholders named in said writ for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Stockholders liable for one year after transfer.

SECTION 19. If the amount assessed on the shares of any stockholder, under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this State, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him; and any person having made such transfer, being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred: *Provided*, That any person having made a transfer of his or her stock in said bank, may discharge himself or herself from liability under the provisions of this section, by showing that the transactions or loans which caused the insolvency of said bank were made after such assignment or transfer, or such part thereof as he or she may show accrued after such transfer or assignment.

Stockholders at time of assignment proportionably liable.

SECTION 20. Every individual who owned stock in his or her own name, or in the name of any other person or persons at the time of such assignment, shall be deemed liable for his or her proportions under the provisions of this act. But it shall be lawful for any stockholder of the said bank either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them; and the process shall be proceeded in only against the other stockholders that are liable.

Meaning of term stockholder.

SECTION 21. The term stockholder, as used in the preceding sections of this act shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency in the name of another person, and to every person who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no trustee appointed by a last will and testament or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually liable on account of the shares so held.

Provisions of certain act made applicable to assignments by this bank.

SECTION 22. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to ac-

comply the purposes of the trust and to compel the distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled according to the just proportion due to each, as hereinafter provided.

SECTION 23. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order :

First, note holders.

Second, depositors.

Third, all other creditors except stockholders, who shall be last paid.

SECTION 24. If the insolvency of the said bank be wilfully fraudulent, the directors of the said bank by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the creditors of the said bank for his proportional share of their respective losses ; the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement.

SECTION 25. Every insolvency of said bank shall be deemed fraudulent unless its affairs shall appear upon investigation to have been fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe.

SECTION 26. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment according to the provisions of the nineteenth section of this act, and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the Court of Common Pleas of Wayne county, verified by oath or affirmation, a full statement of its affairs, containing,

I. An account of the capital stock of the bank, the amount paid in, and the amount thereof held by such corporation.

II. The quantity, description, and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of the said assignment.

SECTION 27. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said directors for examination, and if the court shall not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter, and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed to make a strict investigation of the affairs of such bank and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

Auditors, powers and duties of.

SECTION 28. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of said bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties they shall report to the court the result of their investigation; and in case they report that the insolvency was wilfully fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors according to the liabilities imposed by this act.

Court to investigate the matters contained in report.

SECTION 29. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was wilfully fraudulent or otherwise. Or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested, to try the fact of wilful fraudulent insolvency; and if the judgment of the court upon the report of the auditors or upon the verdict rendered upon such issue shall be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each according to their several liabilities. And the said Court of Common Pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons then made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.

When this act to take effect.

SECTION 30. The provisions of this act shall go into effect upon the expiration of the present charter: *Provided*, That the stockholders at their next annual meeting, or at a meeting to be called for that purpose, shall by a majority of the votes present decide in favor of the acceptance thereof, which acceptance shall be certified to by the officers of the bank and transmitted to the Governor in writing, and filed in the office of the Secretary of the Commonwealth.

Directors not to appear as drawers and endorsers, &c.

SECTION 31. No director of said bank shall appear as drawer or endorser, or as both drawer and endorser, at any one time for a greater amount than five thousand dollars; and the gross amount discounted for or loaned to all the directors and other officers of said bank, and to the houses or firms in which they may be interested directly or indirectly, shall not exceed at any one time the sum of thirty thousand dollars.

Reservation.

SECTION 32. The Legislature reserves the power to alter, revoke, or annul the charter of the said bank whenever in their opinion it may be injurious to the citizens of the Commonwealth, in such manner that no injustice be done to the corporators.

Repeal.

SECTION 33. So much of any act of Assembly as is hereby altered or supplied is hereby repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

470.

AN ACT

To incorporate the Delaware and Cobb's Gap Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Moses W. Coolbaugh, Simeon W. Schoonover, Thomas Grattan, Henry M. Labor, Adam Overfield, John Place, Benjamin V. Bush, Alpheus Hollister, Franklin Starbuck, James H. Stroud, Rudolphus Bingham, William Nyce, and Samuel Taylor, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Delaware and Cobb's Gap Railroad Company," with all the powers and subject to all the provisions and restrictions prescribed by an act entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine. Commissioners.

SECTION 2. The capital stock of said company shall consist of Capital stock. eighteen thousand shares of fifty dollars each.

SECTION 3. Said company shall have the right to build or construct a railroad beginning at the river Delaware, at or near the Delaware Water Gap, and thence by such practicable route with moderate grades as will in the opinion of the president and directors of said company most conduce to the public interest, and terminating at or near Cobb's Gap, in the county of Luzerne or Wayne, and to connect with any railroad or public improvement that is or may be constructed at either end of the said route, as the said president and directors may deem expedient, and also to extend a branch or lateral railroad from said railroad to any point in the Lackawanna Valley east of the Lackawanna creek. And the company are hereby also authorized and empowered to extend a branch of the said railroad up the river Delaware to the neighborhood of Station or Carpenter's Point, and there connect with the New York and Erie Railroad, or any other railroad which may have connected with it in Pennsylvania; and also, if necessary, extend the southern terminus of their road down said river so as to connect with the Belvidere and Delaware railroad; and for this purpose to construct a bridge across the river Delaware at any point between the upper end of the Delaware Water Gap and Belvidere. Location.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

APPROVED—The seventh day of April, A. D., one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

[1850.]

RESOLUTION

Relative to an amendment of the Constitution.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Constitution of this Commonwealth be amended in the second section of the fifth article, so that it shall read as follows: The judges of the Supreme Court, of the several Court of Common Pleas, and of such other courts of record as are or shall be established by law, shall be elected by the qualified electors of the Commonwealth, in the manner following, to wit: The judges of the Supreme Court by the qualified electors of the Commonwealth at large; the president judges of the several Courts of Common Pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, by the qualified electors of the respective districts over which they are to preside or act as judges; and the associate judges of the Courts of Common Pleas by the qualified electors of the counties respectively. The judges of the Supreme Court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well (subject to the allotment hereinafter provided for, subsequent to the first election); the president judges of the several Courts of Common Pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well; the associate judges of the Courts of Common Pleas shall hold their offices for the term of five years, if they shall so long behave themselves well; all of whom shall be commissioned by the Governor, but for any reasonable cause, which shall not be sufficient grounds of impeachment, the Governor shall remove any of them on the address of two-thirds of each branch of the Legislature. The first election shall take place at the general election of this Commonwealth next after the adoption of this amendment, and the commissions of all the judges who may be then in office shall expire on the first Monday of December following, when the terms of the new judges shall commence. The persons who shall then be elected judges of the Supreme Court shall hold their offices as follows: One of them for three years, one for six years, one for nine years, one for twelve years, and one for fifteen years, the term of each to be decided by lot by the said judges, as soon after the election as convenient, and the result certified by them to the Governor, that the commissions may be issued in accordance thereto. The judge whose commission will first expire shall be chief justice during his term, and thereafter each judge whose commission shall first expire shall in turn be the chief justice; and if two or more commissions shall expire on the same day, the judges holding them shall decide by lot which shall be the chief justice. Any vacancies happening by death, resignation, or otherwise in any of the said courts, shall be filled by appointment

by the Governor, to continue till the first Monday of December succeeding the next general election. The judges of the Supreme Court and the presidents of the several Courts of Common Pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth, or under the government of the United States or any other State of this Union. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges during their continuance in office shall reside within the district or county for which they were respectively elected.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

SENATE CHAMBER, }
Harrisburg, January 28th, 1850. }

I, Samuel W. Pearson, chief clerk of the Senate of Pennsylvania, do hereby certify that the foregoing resolution (No. ten on the Senate file of the present session), entitled "Resolution relative to an amendment of the Constitution,"—it being the same resolution which was agreed to by a majority of the members elected to each house of the last Legislature—after having been duly considered and discussed, was this day agreed to by a majority of the members elected to and serving in the Senate of Pennsylvania at its present session, as will appear by their votes given on the final passage of the resolution, as follows, viz.:

Those voting in favor of the passage of the resolution were, H. Jones Brooke, J. Porter Brawley, William A. Crabb, Jonathan J. Cunningham, Thomas S. Fernon, Thomas H. Forsyth, Charles Frailey, Robert M. Frick, Henry Fulton, John W. Guernsey, William Haslett, Isaac Hugus, Timothy Ives, Joshua Y. Jones, Joseph Konigsmacher, George V. Lawrence, Maxwell M'Caslin, Benjamin Malone, Benjamin Matthias, Henry A. Muhlenberg, William F. Packer, William R. Sadler, David Sankey, Peleg B. Savery, Conrad Shimer, Robert C. Sterret, Daniel Stine, Farris B. Streeter, John H. Walker, and Valentine Best, *Speaker*.—Yeas 29.

Those voting against the passage of the resolution were, George Darsie, Augustus Drum, and Alexander King.—Nays 3.

[Extract from the journal.]

SAMUEL W. PEARSON, *Clerk.*

IN THE HOUSE OF REPRESENTATIVES, }
Harrisburg, March 14th, 1850. }

I, William Jack, chief clerk of the House of Representatives of Pennsylvania, do hereby certify that the foregoing resolution (No. ten on the Senate file, and No. two hundred and eleven on the House journal

of the present session), entitled "Resolution relative to the amendment of the Constitution,"—it being the same resolution which was agreed to by a majority of the members elected to each House of the last Legislature—after having been duly considered and discussed, was this day agreed to by a majority of the members elected to and serving in the House of Representatives of Pennsylvania, at its present session, as will appear by their votes given on the final passage of the resolution, as follows, viz. :

Those voting in favor of the passage of the resolution were, John Acker, John Allison, William Baker, Robert Baldwin, David J. Bent, Craig Biddle, Jeremiah Black, John S. Bowen, William Brindle, Daniel H. B. Brower, Jesse R. Burden, John Cessna, Henry Church, John N. Conyngham, Sylvester Cridland, Benjamin G. David, William J. Dobbins, James P. Downer, Thomas Duncan, William Dunn, William Espey, John C. Evans, William Evans, A. Scott Ewing, Alexander S. Feather, James Flowers, Benjamin P. Fortner, Alexander Gibboney, Thomas E. Grier, Joseph E. Griffin, Joseph Guffey, Jacob S. Halde-
man, George H. Hart, Leffert Hart, John Hastings, William J. Hemp-
hill, John Hoge, Henry Huplet, Lewis Herford, Washington J. Jack-
son, Nicholas Jones, John W. Killinger, Charles E. Kinkead, Robert
Klotz, Harrison P. Laird, Morris Leech, Jonathan D. Leet, Anson
Leonard, James J. Lewis, Henry Little, Jonas R. M'Clintock, John
F. M'Culloch, Alexander C. M'Curdy, John M'Laughlin, John M'Lean,
Samuel Marx, John B. Meek, Michael Meyers, John Miller, Joseph
C. Molloy, John D. Morris, William T. Morison, Ezekiel Mowry, Ed-
ward Nickleson, Jacob Nissly, Charles O'Neil, John B. Packer, Joseph
C. Powell, James C. Reid, John S. Rhey, Lewis Roberts, Samuel Rob-
inson, John B. Rutherford, Glenni W. Scofield, Thomas C. Seouller,
William Shaffner, Richard Simpson, Eli Slifer, William Smith, William
A. Smith, Daniel M. Smyser, William H. Souder, Thomas C. Steel,
David Steward, Charles Stokwell, Edwin C. Trone, Andrew Wade,
Robert C. Walker, Thomas Watson, Sidney B. Wells, Hiram A. Wil-
liams, Daniel Zerbey, and John S. M'Calmont, *Speaker*.—Yeas 87.

Those voting against the passage of the resolution were, Augustus K. Cornyn, David Evans, and James M. Porter.—Nays 3.

[Extract from the journal.]

WILLIAM JACK, *Clerk*.

SECRETARY'S OFFICE.

Filed March 15th, 1850.

A. W. BENEDICT,
Dep. Secretary of Commonwealth.

No. 479.

A N A C T

To authorize Alexander S. Brewster and Ann B. Guernsey, administrators of the estate of Joseph W. Guernsey, deceased, to sell certain real estate, and relating to the Buck Mountain Coal Company.

WHEREAS, Joseph W. Guernsey, deceased, late of Tioga county, died intestate on the eighteenth day of July last, leaving a widow, Ann B. Guernsey, and eight children, six of whom are minors: *And whereas*, The said Joseph W. Guernsey left a farm containing about one hundred and eighty acres, with improvements, on which the family now reside, and also two other tracts, one of about two hundred and ninety acres, with a tenant house and small improvement and mill privilege thereon, the other containing about sixty acres wood land: *And whereas*, A contract was entered into by said decedent to have a saw-mill erected on said property, in pursuance of which several hundred dollars had been expended at the time of his death: *And whereas*, The personal property of said decedent is barely sufficient to pay the debts: *And whereas*, It would require a larger sum to complete and finish said mill, which would encumber the property and endanger if not sacrifice the same, and greatly injure and lessen the interest of the heirs; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Alexander F. Brewster and Ann B. Guernsey, administrators of the estate of Joseph W. Guernsey, deceased, are hereby authorized to sell by public or private sale, and convey by deed all that certain tract of land in the township of Tioga, in the county of Tioga, bounded on the north by Cadwalader and Bingham lands, on the east by lands lately owned by the Wayne County Bank, south by lands of C. Colket, and west by other lands of the said Joseph W. Guernsey: Also to sell that certain other tract or piece of land in the township and county aforesaid, bounded on the north and west by lands lately owned by the Wayne County Bank, east and south by Bingham's lands; the said two tracts above described, containing three hundred and fifty acres or thereabouts, and to make a good and sufficient title to the same to the said purchaser or purchasers; and the said purchaser or purchasers to hold the same discharged from all liens, debts, and incumbrances whatsoever, without regard to the appropriation or distribution of the money arising from such sale: *Provided*, Before such sale shall be made and the deed delivered, the said Alexander S. Brewster and Ann B. Guernsey shall give good and sufficient security, to be approved by the Orphans' Court of said county, conditioned that such sale shall be made for the highest and best price that can be obtained for the same, and that the moneys arising therefrom shall be appropriated according to the decree and direction of said court: *Provided also*, That such sale shall be approved by said court.

Administrators of the estate of Joseph W. Guernsey, deceased, authorized to sell certain real estate.

SECTION 2. That the several acts and several parts or sections of acts relating to the Buck Mountain Coal Company now in force, hereby extended so that the same shall be and remain in full force until the thirty-first day of December, one thousand eight hundred and

Buck Mountain Coal Company, several acts, &c., relating to extended.

Proviso.

seventy-five: *Provided*, That the capital stock of the said company shall not exceed three hundred and fifty thousand dollars: *Provided also*, That the said coal company shall pay to the State Treasury one per cent. of their capital stock in five equal annual payments of seven hundred dollars each—the first payment to be made on or before the first Monday in January, Anno Domini, one thousand eight hundred and fifty-one.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 480.

A N A C T

To authorize the Governor to incorporate the Wilkesbarre Water Company.

Commissioners.

Form of sub-
scription.

Books to be
opened.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George M. Hollenback, Samuel P. Collings, Henry M. Fuller, Warren J. Woodward, Lord Butler, Thomas W. Miner, Peter C. McGilchrist, Harrison Wright, Calvin Parsons, Ziba Bennet, George P. Steel, Samuel Puterbaugh, Oliver P. Hillard, Edward Covell, Sharp D. Lewis, Francis L. Bowman, and Joseph P. Luce, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they or any five of them shall procure a book or books and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Wilkesbarre Water Company the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the said president and managers, in pursuance of an act of the General Assembly entitled 'An Act to authorize the Governor to incorporate the Wilkesbarre Water Company.' Witness our hands the day of in the year of our Lord, one thousand eight hundred and ." And shall thereupon give notice in the public newspapers printed in Wilkesbarre, and such other papers as a majority of the said commissioners may think proper, of the time and place or places when and where the said book or books shall be opened to receive subscriptions for the stock of said company, at which time and place or places one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate who shall offer to subscribe in the said book or books, which shall be kept open for the purpose at least six hours in every

juridical day for three days, if three days shall be necessary; and on the first of said days any person of the age of twenty-one years shall be at liberty to subscribe in his own name or in the name of any other person or body corporate by whom he shall be duly authorized, for any number of shares not exceeding twenty, and on any succeeding day while the said book or books shall remain open, for any number of shares of the said stock. And if at the expiration of the said three days the said book or books shall not have eight hundred shares therein subscribed, the said commissioners may adjourn from time to time and from place to place until the said number of shares shall be subscribed; and when the said number of shares shall be subscribed the said book or books shall be closed: *Provided always*, That every person offering to subscribe in said book or books in his own name or in the name of any other person or body corporate, shall at the time of subscribing be required to pay to the attending commissioner or commissioners one dollar on each share, to defray the expenses attending the taking of such subscriptions and other incidental charges, which expenses and charges the said commissioner shall pay out of the moneys so received by them, and the balance, if any, shall be paid over to the treasurer of the said company as soon as the same shall be organized as hereinafter mentioned.

Who may subscribe.

Proviso.

SECTION 2. That when ten or more persons shall have subscribed not less than four hundred shares of the said stock, the commissioners aforesaid, or any five of them, may, or when the whole number of the shares aforesaid shall be subscribed, shall certify under their hands and seals the names of the subscribers and the whole number of shares subscribed by each, and the amount paid on each share, to the Governor of this Commonwealth; and if it shall appear from such certificate that the subscriptions have been bona fide made, and the amount required by the said commissioners at the time of subscription actually paid, then the Governor shall by letters patent under his hand and the great seal of the State, create and erect the said subscribers, and if the whole number of shares aforesaid be not then subscribed, then also all others who shall afterwards subscribe to the number of shares aforesaid, into one body politic and corporate in deed and in law, with perpetual succession and with all the privileges and franchises incident to a corporation, by the name, style, and title, of "The Wilkesbarre Water Company," and by such name the subscribers and such others as may thereafter become subscribers and shareholders shall be capable of holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, in such manner and form as they shall think proper, not exceeding eighty thousand dollars, and of purchasing, taking, and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, and hereditaments, goods, chattels, or effects, as shall be necessary for them in the prosecution of their work and in the full enjoyment thereof, and the same to sell and dispose of at their pleasure, if necessary, and of doing every act, matter, and thing which a corporation or body politic may lawfully do.

Letters patent.

Style.

Privileges.

SECTION 3. That the seven persons first named in the letters patent shall, as soon as conveniently may be, give notice in at least two of the public newspapers printed in the borough of Wilkesbarre, of a time and place to be by them appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy, one president and six managers to conduct the business of said com-

Organization.

pany, who shall continue in office until the next succeeding annual election as hereinafter provided, and until such other officers shall be elected; and shall make such by-laws and regulations, not inconsistent with the Constitution and laws of the United States and of this State, as may be necessary for the well-ordering and conducting of the affairs of the said company: *Provided*, That no person or body corporate shall have more than twenty votes on his own account at any election or in determining any question arising at such meeting, whatever number of shares such individual or body corporate may be entitled to; and that each person and body corporate holding one or more shares not exceeding the number of twenty, shall be entitled to one vote for each and every share so held.

Proviso.

President and managers, powers of

SECTION 4. That the said president and managers shall have full power and authority, immediately after obtaining their charter of incorporation, to construct, provide for, or erect all the works, materials, or machinery necessary and proper for conducting or conveying pure water into the borough of Wilkesbarre, and distributing the same for the use of the inhabitants of the said borough, and also for the use of those who live contiguous thereto, as also to provide against the ravages of fire by erecting hydrants or other constructions in suitable places within the limits of said borough for that purpose; and also for erecting within or contiguous to said borough a reservoir of suitable dimensions for the supply of the inhabitants of said borough, and of those who live contiguous thereto with pure water; and the said company shall have the privilege to convey water from any point which they may deem expedient where pure water may be obtained in a sufficient quantity for the ordinary uses of the inhabitants as aforesaid, and to convey and conduct the same in conduit pipes or otherwise, as they may deem expedient, through any public or private grounds, roads, streets, or alleys to the said reservoir, and from said reservoir through any road, street, or alley, or through any public or private ground within or without said borough necessary for the distribution of said water for public or private use, and to alter, renew, and repair any of such constructions when necessary: *Provided*, That all damages to private property shall be ascertained and paid for before any work is done or commenced on such private property or grounds as is hereinafter provided for; and the said company shall do no damage or injury to the Pennsylvania canal. That the said president and managers shall in such streets and parts of said borough where pipes have been laid down for conducting the said water for a reasonable consideration which shall be agreed upon by the said president and managers or their agent, and the town council of the said borough erect hydrants to be used solely for extinguishing fires and cleansing the streets of said borough, under the direction of the said town council, and they shall suffer individuals at all times to be supplied with water from the said pipes, for domestic or manufacturing purposes, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers and such individuals, according to certain uniform rates as near as practicable which the said president and managers shall adopt; and any person within the said borough, or in the vicinity of the said borough, who shall appropriate or draw off any of the said water for domestic or manufacturing use, or for any other purpose, except for the legitimate purposes contemplated by this act, without having previously contracted for the same with the said president and managers or their duly authorized agent, shall forfeit and pay for every such offence the sum of twenty dollars to the said president and managers, to be recovered before a justice of

To supply inhabitants with water.

Damages.

Hydrants.

the peace in such manner as debts of equal amount are now recoverable.

SECTION 5. That it shall and may be lawful for the said president and managers by and with their officers, agents, artists, and workmen, with their tools and implements, carts, wagons, carriages, and beasts of draught and burden, to enter upon the lands over, contiguous, and near to which the route, track, and line where the water shall or may be conducted in manner aforesaid, in conduit pipes or otherwise, or for constructing a reservoir, or for any other purpose necessary for the accomplishment of the object of this act: *Provided*, That the said president and managers shall give or cause to be given, notice to the owner or occupier of lands thus entered upon and doing as little damage as possible. Enter upon lands.
Proviso.

SECTION 6. That it shall and may be lawful for the said president and managers by and with their officers, artists, and workmen, with their tools and implements to enter in and upon the lands and tenements of any person or persons, for the purpose of locating the route by which the water is to be conducted, and defining and marking the courses and distances thereof, and of locating any bridges, aqueducts, or culverts necessary in the prosecution of the said works, and also for the purpose of locating the site for a reservoir as aforesaid, and for establishing any other works or fixtures connected therewith, first giving notice to the owner or occupiers of said lands through which the said water is to be conducted or reservoir constructed, doing as little damage thereto as possible. Enter upon lands for the purpose of locating route, &c.

SECTION 7. That it shall and may be lawful for the said president and managers, or their duly authorized agent, to contract and agree with the owner or owners of any lands and tenements, hereditaments and privileges which may be affected thereby, over, through, or upon which it may be necessary to conduct the water as aforesaid, or construct or erect said reservoir, bridges, aqueducts, culverts, dams, or other works or fixtures which by the said president and managers may be deemed necessary and connected therewith, for the purchase of so much of said lands as they may deem necessary for the accomplishment of the objects of this act, or the privilege of entering upon and passing over the said lands in the prosecution, repair, and protection of their works, if they or their duly authorized agent can agree with such owner or owners. But if in case of disagreement, or in case the owner thereof be feme covert, under age, non compos mentis, or out of the State, or otherwise incapacitated to sell or convey, then it shall and may be lawful for the president and managers of the said company, or for the owner or owners of or persons interested in such lands and tenements, hereditaments and privileges, to apply to the Court of Common Pleas of Luzerne county by petition, whose duty it shall be forthwith to appoint three reputable and disinterested persons not connected with the parties to view and assess the damages sustained by the owner or owners or occupiers of any such lands and tenements, hereditaments and privileges, or which may probably be sustained in the prosecution of said work, or by reason of the appropriation or occupation of such lands and tenements, hereditaments and privileges, for the purposes aforesaid. And it shall be the duty of the persons appointed by the said court, after being duly sworn or affirmed to do impartial justice between the parties according to the best of their judgment and abilities, to go upon the premises and view the same with regard to the damage and injury complained of, and taking into consideration any advantage the said owner or owners may derive from the location and construction of the said works through their said lands and tenements, hereditaments and Further powers and privileges.
Damages, how adjusted.

privileges, make report to the said court as soon as convenient of the amount of the damages so found and assessed by them to each individual through or upon whose lands the said works may be constructed, if any. And if the said report shall be approved by said court, the court shall direct the amount or several amounts thus found and approved to be entered on the records of the said court, with costs as in cases of roads to be paid by the company: *Provided*, That either party shall have a right to appeal from any report made in pursuance of this section, by giving security for all costs; and in that case it shall be the duty of the Court of Common Pleas to direct an issue to try the same. And in case the party appealing shall not recover a verdict more favorable than the report of the said viewers, then and in that case the said party shall pay all the costs that shall accrue by reason of such trial by jury: *And provided also*, That such appeal shall be made within twenty days from the approval by said court, and shall not delay the operations of the said company in the prosecution of their work; but the same may proceed upon entering two or more sureties, to be approved by the said court, for the payment of the sum finally adjudged to be due, with costs, or upon depositing in court an amount which the said court shall adjudge sufficient to cover the same.

Proviso.

Company after having paid for and tenements, &c., to have and to hold the same.

SECTION 8. That when the said president and managers shall pay to the said owner or owners of any lands and tenements, or to his, her, or their representatives, the full amount of damages found and assessed according to the provisions of the sixth section of this act, for the lands and tenements occupied by said company in the construction of their works or for the right of way over or through any lands for the construction, protection, and repair of the same, with the costs allowed by the said court, or shall pay into the said court for the use of the said owner, owners, or occupants, his, her, or their representatives, the said company shall be entitled to have and hold the said lands and tenements so paid for and described in the report of the said viewers, and set out in and by the draft accompanying and filed of record with the report of the viewers aforesaid to them and their successors and assigns for the purposes aforesaid.

Annual meeting of stockholders.

SECTION 9. That the stockholders of the said company shall meet on the first Monday in May in each year after they shall have received their letters patent as hereinbefore provided, at such place as shall be fixed by the rules and orders of the said company to be made as aforesaid for the purpose of choosing one president and six managers as aforesaid for the ensuing year and until other officers are elected, and at such other times as they shall be assembled by the said president and managers. Of all which meetings of the said stockholders it shall be the duty of the president, or in case of his absence or other disability, of at least two of the managers, to give at least two weeks' notice in the newspapers published in the borough of Wilkesbarre of the time and place of such meeting; at which annual or special meeting the said stockholders shall have full power and authority to make, alter, or repeal by a majority of votes, all such by-laws, rules, and regulations as aforesaid, and to do and perform every other corporate act: *Provided*, That if such election of president and managers shall not be made on the day above specified, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day within sixty days thereafter, due notice having been first given as above provided by the president or at least two of the said managers of the time and place of meeting, to hold and make an election in such manner as the by-laws of the said corporation shall prescribe. And in case of the death, resignation, removal from the State, or other inability to act, of

Managers.

Proviso.

the president or any of the managers, the remaining members of the board of managers shall choose another to supply his place until the next election; and the said president and managers, or a majority of them, shall at their first meeting after their election choose a suitable person as a treasurer and a secretary for the ensuing year, both of whom shall be selected from the list of bona fide stockholders.

SECTION 10. That the said president and managers aforesaid shall meet at such times and places and be convened in such manner as shall be agreed on for transacting their business; and at such meetings four members shall form a quorum, and shall by themselves or secretary keep minutes of all their transactions, recording the votes of all the members of the board present, particularly designating each member by name who shall vote in the affirmative and each who shall vote in the negative upon every proposition, rule, or order, which shall be decided, established, or acted upon by the said board of managers, fairly entered in a book to be kept for that purpose; and a quorum being met, they shall have full power and authority to agree with and appoint all such agents or persons as they may judge necessary to conduct and carry the said works contemplated by this act; and to fix their salaries and wages, and to fix the times, manner, and proportions when and where the stockholders shall pay the moneys due on their respective shares in order to carry on the works, to draw on the treasurer for all moneys necessarily expended in the prosecution thereof by orders which shall be signed by the president in pursuance of a resolution of said board, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters, and things, as by this act and the by-laws, orders, and regulations of the company shall be committed to them.

SECTION 11. That the said president and managers shall procure certificates, to be printed or written, for the shares of the capital stock of the said company, and deliver one thereof signed by the president and countersigned by the treasurer and sealed by the common seal of the corporation, to each person for every share by him or her subscribed and held—which certificate shall be transferable by the owner at his or her pleasure, in person or by attorney, in presence of the president or treasurer, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and shall be entitled to all the privileges and emoluments incident and belonging thereto: *Provided*, That to entitle the transferee to vote at any election or meeting of the stockholders, the transfer shall be bona fide made at least three months previous to such election or meeting.

SECTION 12. That if any stockholder, after thirty days' public notice in the newspapers printed in Wilkesbarre of the time and place appointed in pursuance of the ninth section of this act for the payment of any portion of the capital stock in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of thirty days after the time so appointed for the payment thereof, every such stockholder, or his or her assignee, shall in addition to the proportion so called for pay at the rate of one per centum per month for such delay of payment; and if the same and additional penalty shall remain unpaid for such a space of time as that the accumulated penalties shall be equal to the sums previously paid on account of the said share, then the said share and all the money thereon paid shall be forfeited to the company and may be sold by them to any person or persons willing to purchase for such price as may be obtained therefor: *Provided however*,

That nothing herein contained shall be so construed as to prevent the said company from recovering the amount of capital stock so called for and remaining unpaid, together with the penalty, from any delinquent stockholder.

Bonds to be given by officers. SECTION 13. That the said president and managers of the said company may require of and from the treasurer, and of and from all and every person and persons employed by them, bonds in sufficient penalties and with sufficient sureties for the due and faithful discharge of the several duties and trusts to them or any of them respectively committed.

Accounts. SECTION 14. That the said president and managers of the said company shall keep fair and just accounts of moneys received by them from the subscribers to the said undertaking for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all moneys by them expended, and on what account the same was expended, and shall in every year, not more than sixty nor less than thirty days' previous to the time for holding an election for officers of the said company, prepare a particular statement thereof in writing, which together with the vouchers and other evidences thereto belonging shall be placed in the office of the treasurer of the company for the free inspection of any stockholder or member of the said company who may think proper to examine the same until the work shall be completed, and all the costs and charges affecting the same shall be fully paid and discharged; and it shall be the further duty of the said president and managers after the completion of the said work, and the costs and expenses thereof paid and settled, to keep just and fair accounts of all moneys received by them by their treasurer or other officers or agents arising from the sale of water-rights, water-rents, or otherwise, and of the amount by them expended, and shall make and declare a dividend of the profits and income thereof among all the stockholders respectively, and shall on the first Monday of January and July in every year publish the half-yearly dividend to be made of the income and profits to and among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend shall be made to impair the capital stock of the said company: *And provided also*, That no person shall be entitled to any share of the dividend declared who has not paid such amount on the stock held by him as has been required by the president and managers: *Provided*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes or to endorse notes in their corporate capacity, or to make discounts or to receive deposits after the manner of any bank or banks; and in case at any time the said company shall violate the provisions of this section, all and every of their chartered privileges shall cease and determine.

Dividends.

Proviso.

Competent for the town council of the borough of Wilkesbarre, after twenty years, to purchase whole stock of said company, &c. SECTION 15. That at any time after the lapse of twenty years from the construction and completion of the works authorized by this act, it shall be competent for the town council of the borough of Wilkesbarre to purchase the whole stock of the said company by paying to the said president and managers for the use of the stockholders the whole amount paid in by all of the stockholders, and such amount in addition as including the dividends already divided amongst the stockholders, shall amount to ten per centum per annum on the stock paid in and on the payment of the same, the said president and managers shall assign and transfer to the said town council and their successors in office, for the use of the said borough, the

whole capital stock of the said company, with all the water works belonging to the said company, and all other appurtenances, privileges, and rents pertaining thereunto, from which period the said town council shall be vested with the same for the use of the said borough, who shall thereafter hold and possess the same, with all the rights, powers, and privileges which the said president and managers held and exercised previous to said transfer, expressly for the use of the said borough; and thereafter the business of the said company shall be conducted by the said town council or corporate authority of said borough, the corporate name, however, remaining the same as before the said transfer: *Provided*, That immediately after receiving said money, the said president and managers shall distribute the same amongst the stockholders who may severally be entitled to the same. *Distribute among stockholders.* And on failure to do so when demanded within sixty days after the receipt of the money, the Court of Common Pleas of the county of Luzerne are hereby empowered, on the application of any one interested, to compel the payment of the same by attachment. And in case of fraud or embezzlement, the offender or offenders shall be liable, on complaint of any of the stockholders of the said company, to indictment and prosecution in the Court of Quarter Sessions of the said county of Luzerne, and on conviction of said fraud or embezzlement of any moneys or other property belonging or due to the said stockholders, or of the unlawful detention of the same contrary to the provisions of this act, the said court shall sentence him or them to pay such fine as in the discretion of the said court may be adequate to the offence, and further to suffer an imprisonment in the common jail of said county for any term not exceeding one year. And if any dispute as to the persons entitled to receive any part of the said moneys shall arise, the court are also hereby empowered to decide the same as to right and justice may belong. *Penalty in case of embezzlement.*

SECTION 16. That if the company to be incorporated by the provisions of this act shall not within ten years from and after the date of their charter erect and complete the works herein contemplated and authorized, then all the privileges hereby granted shall cease and determine. *Completion of the works.*

SECTION 17. That the said company shall at all times to the utmost capacity of their said works afford a supply of pure water to all the citizens of the borough of Wilkesbarre, and to citizens contiguous thereto, the citizens of said borough having the preference for culinary and other domestic purposes, who shall apply for the same and agree to pay therefor, and for the extinguishment of fires at the usual rates. And in case of any scarcity of water, in consequence of extreme droughts or otherwise, the said citizens shall be supplied for culinary or domestic purposes in preference to those who may apply the water to any other purposes, except in the extinguishment of fires. *Preference in case of scarcity of water.*

SECTION 18. That if any person or persons shall wilfully mutilate, injure, or spoil any of the works of said company, or shall wilfully corrupt the water in any reservoir, dam, or conduit pipe established by said company, on conviction thereof before the Court of Quarter Sessions of said county, shall pay a fine at the discretion of said court not exceeding fifty dollars, and suffer an imprisonment in the jail of said county in any term not exceeding two months, as the court aforesaid may determine. *Penalty for injuries to company's works.*

SECTION 19. That the Legislature reserve the right, in the event of the said company violating any of the provisions of this act or of the *Reservation.*

privileges hereby granted to the said company being found injurious to the public, to revoke or annul the charter hereby granted.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, A. D., one thousand eight hundred and fifty.
WM. F. JOHNSTON.

No. 481.

AN ACT

For the sale of the real estate of William Sugden, deceased.

Preamble.

WHEREAS, William Sugden, late of the township of Brandywine (now East Brandywine), in the county of Chester, deceased, by his last will and testament, proved October eighth, Anno Domini, one thousand eight hundred and forty-two, devised a certain messuage and tract of land situate in said township, to his wife Catharine Sugden, for life, and after her decease to his three children, Jane Sugden, Ann Sugden, and William Sugden, jr., in fee;

And whereas, It has been represented to the Legislature by the petition of the said Catharine Sugden, Charles Zeigler, executor aforesaid, and Charles Downing, guardian of the persons and estates of said children, who are still minors, that said real estate is deteriorating, the buildings and improvements going out of repair, and that it would be for the benefit of all parties interested that messuage and tract of land should be sold, and the proceeds invested under proper restrictions for the benefit of the persons entitled to the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Zeigler, executor of the last will and testament of William Sugden, late of the township of Brandywine, in the county of Chester, deceased, be, and he hereby is authorized and empowered to sell at public sale, at such time as he shall deem most advisable, the messuage and tract of land above mentioned, devised in and by the last will and testament of said deceased; and that the said executor shall invest the proceeds thereof on good real estate security, or in such manner as the Orphans' Court of Chester county shall direct, the interest of said proceeds to be paid to the said Catharine Sugden annually during her natural life, and at her death the principal to be paid to the above-named minor children.

SECTION 2. That such sale shall not be valid until it shall have been confirmed by the Orphans' Court of Chester county, nor until the said executor shall have given security, to be approved of by said court, conditioned for the faithful appropriation of the proceeds of such sale.

Charles Zeigler,
executor of Wil-
liam Snyder,
deceased, au-
thorized to sell
certain real es-
tate.

Sale to be con-
firmed by Or-
phans' Court.

SECTION 3. That in case of the death of said executor, or of his refusal or inability to act, said Orphans' Court may, upon the application of any person interested, appoint some suitable person trustee to make such sale, under the same restrictions and provisions as are herein provided with regard to the said executor: *Provided*, That nothing herein contained shall have the effect, in case of the death of any of said children before they shall receive their portion of said fund, of giving to said fund a distribution other than it would have had had not this act been passed. Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 482.

AN ACT

Relative to the sale of certain real estate in Lycoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel H. Lloyd, executor of the last will and testament of John C. Oliver, late of Lycoming township, Lycoming county, deceased, be, and he is hereby authorized to sell either at public or private sale, and convey by deed in fee simple all those certain messuages or two tracts of land described as follows: one situate on Larris creek, in Cummings or Mifflin township, in said county, surveyed on a warrant to William Andrews, containing about one hundred and six acres, and the other of said tracts situate in Lewis township, in said county, surveyed on a warrant to Josiah Hewes and Myers Fisher, numbered sixteen hundred and fifty-four, containing about one thousand acres, and to make to the purchaser or purchasers thereof good and sufficient conveyances and assurances in law for the same: *Provided*, That before said deed shall be deemed to be valid and effectual in law the said sale shall have been approved by the Orphans' Court of said county, and the said executor shall have given bond with sufficient security, to be approved by said court, conditioned for the faithful application of the proceeds of said sale. Executor of John C. Oliver authorized to sell certain real estate. Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 483.

AN ACT

To incorporate Punxsutauney, in Young township, Jefferson county, into a borough.

Incorporate. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Punxsutauney, in Young township, Jefferson county, shall be and the same is hereby erected into a borough, which shall be called "The Borough of Punxsutauney," and shall be bounded and limited as follows: Beginning at a post north-east corner of James Winslow's land; thence east sixty perches to a post on lands of William Campbell; thence north seventy-one degrees, east eighty-eight perches to a post on lands of John W. Jenks; thence south nineteen degrees, east thirty-eight perches to an elm on the bank of Big Mahoning creek near John Drums; thence south twenty-four degrees, east at twelve, corner of Water and Market streets, same course of fifty-five perches to a willow on the bank of Mahoning; thence south seventy-one degrees, west one hundred and thirty-four perches, to a cherry on bank of Big Mahoning, near the mouth of James Saint Clair's mill race; thence north seventy-four and one-half degrees, west sixty-nine perches to a white pine near the mouth of James Winslow's ditch, on the bank of Mahoning; thence south seventy-eight and one-half degrees, west sixty-seven perches, to a willow on the line between Jacob Hoover and James Winslow; thence north along said line ninety-three perches to a post corner; thence east along the line of Lewis Wharton and James Winslow, eighty perches to the place of beginning.

Boundaries.

Annual meeting. SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided within the bounds of said borough at least six months immediately preceding the election, shall have power on the third Saturday in May next to meet at the public school house, and on the same day annually thereafter at the place aforesaid, and shall then between the hours of one and six in the afternoon of said day elect by ballot one respectable citizen residing therein, who shall be styled the burgess, and five citizens of said borough to be a town council, and shall elect also as aforesaid one citizen as high constable. But previous to the said election, the citizens qualified as aforesaid shall choose one citizen to act as judge and two citizens to act as inspectors, one of whom shall act as clerk of said election, and the election to be conducted throughout according to the general election laws of this Commonwealth; and the officers of the same shall be subject to the same penalties for malpractices as by the said election laws are imposed. And the said judges and inspectors before they enter upon the duties of their respective offices, shall take the same oaths or affirmations before any justice of the peace of the same county as are prescribed by the laws of this Commonwealth, and after the election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and the certificates required by the

Burgess and town council. High constable and other officers.

general election law shall be duly made out and signed by them, and filed away amongst the records of said borough.

SECTION 3. That from and after the third Saturday in May next, the burgess and town council and their successors in office shall be one body politic and corporate by the name and style of "The Burgess and Town Council of the borough of Punxsutauney," and shall have perpetual succession and shall be capable in law to sue and be sued, plead and be impleaded, in any court of law in this Commonwealth in all manner of actions whatsoever, and to have and use a common seal. Style.
Privileges.

SECTION 4. That if any person duly elected to the office of burgess, member of town council, or high constable as aforesaid, shall refuse or neglect to take upon himself the duties of the said office, he shall forfeit and pay for the use of said borough the sum of ten dollars, to be collected in like manner as sums of like amount are now recoverable by law. Forfeiture in case of refusal to serve, &c.

SECTION 5. That all officers of said borough, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any judge or justice of the peace of said county, to support the Constitution of the United States and of the State of Pennsylvania, and to perform the duties of his office with fidelity; and the certificates of the same shall be filed among the records of said corporation. Oath.

SECTION 6. That the said burgess and town council shall meet on the first Monday after their election in each year, and appoint a clerk of said borough whose duty it shall be to take charge of all papers and records and common seal of said borough, and be responsible for the same, and shall keep a fair record of all proceedings, resolutions, by-laws, and ordinances of said council. And the said burgess and town council shall have power to make, erect, alter, revise, repeal, or amend all by-laws, rules, regulations, and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, and benefit and advantage of the said borough, and particularly providing for the regulations, improving, repairing, and keeping in order the streets and alleys. They shall have power to assess and apportion such taxes as shall be determined by a majority of them, and also to appoint a street supervisor, treasurer, and such other officers as may be deemed necessary from time to time: *Provided*, That in the assessment of taxes such tax shall not exceed two-thirds of the tax assessed for county purposes on the citizens of said borough. Annual meeting of burgess and town council.
Duties.
Taxes.
Proviso.

SECTION 7. That the burgess is hereby empowered to issue his precept to the high constable as often as occasion may require, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer. Burgess, powers of.

SECTION 8. That the treasurer, street supervisor, and high constable, shall, before entering upon the duties of their respective offices, enter into a bond with sufficient security, to be approved by the burgess, conditioned for the faithful performance of their duties. Treasurer, supervisor, and high constable to give bond.

SECTION 9. That the constable of said borough, on giving security and being qualified in the Court of Quarter Sessions of said county, shall have and exercise all the powers appertaining to the office of town and high constable. Constable, powers of.

SECTION 10. That the borough of Punxsutauney, in the county of Jefferson, from and after the passage of this act shall be a separate school district; and the first election under this act shall be at such time and place as the constituted authorities of said borough shall direct: Separate school district.

Provided, That at least thirty days' notice of the time and place of holding said election shall be given.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 484.

AN ACT

To incorporate the Pottsville Gas Company.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Sillyman, John H. Adam, Joseph S. Silver, James Hoy, Simon Cameron, Lewis Audenried, Charles W. Clemens, Joseph W. Cake, Alexander Small, Adam Glossbrenner, Joseph C. Potts, John P. Kennedy, Francis W. Hughes, and Eli Morris, and their associates or persons who shall become stockholders, be, and the same are hereby made and constituted a body politic and corporate, by the name and style of the Pottsville Gas Company, and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever, and also of contracting and being contracted with relative to the business and objects of the said corporation as hereinafter declared; and they and their successors may have a common seal and may change and alter the same at pleasure, and they and their successors as aforesaid shall have power to lease, purchase in fee simple, such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same and other necessary effects of said corporation as they may deem expedient: *Provided*, That such liabilities shall be created only for the purposes stated in this act.

SECTION 2. That the corporation hereby created shall have authority for supplying with gas light the borough of Pottsville, and such individuals residing therein as may desire a supply of the same, and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing, distributing, and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any public street, lane, or highway, for the purpose of laying down the pipes necessary for conducting

said gas, and to repair, alter, and inspect the same: *Provided*, That said company shall have the right of supplying the towns of Minersville, Mount Carbon, Warder, and Port Carbon, and the inhabitants thereof, with said gas as herein provided. Proviso.

SECTION 3. That the capital stock of said company shall be sixty thousand dollars, to be divided into twelve hundred shares of fifty dollars each, with the right to increase said capital stock from time to time as the board of directors of said company shall deem necessary: *Provided*, That the whole capital stock shall not at any time exceed one hundred thousand dollars: *And provided further*, That said company may in lieu of increasing their capital stock be authorized, if the board of directors shall so determine, to borrow money to an amount not exceeding the amount said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation for the security of the re-payment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon: *Provided*, That no increase of said capital stock in manner aforesaid shall be permitted unless the stockholders holding a majority of the stock already subscribed shall first give their written consent thereto. Capital stock.
Proviso.
Borrow money.
Proviso.

SECTION 4. The management and control of "The Pottsville Gas Company" shall be vested in the persons named in the first section of this act until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, treasurer, and secretary; and that the stockholders of said company shall meet annually on the first Monday in May at such place as they shall determine upon, and elect nine directors for said company, all of whom shall be stockholders, who shall select from their number as aforesaid a president, secretary, and treasurer for said company—the notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company; and the number of votes that each stockholder shall be entitled to at such election shall be according to the number of shares owned by such stockholder, to wit: For each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every five shares above ten shares one vote; and no share shall confer a right of voting which shall not have been holden one calendar month prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his or her own right, or in the right of his wife, or for his or her sole use and benefit as an executor, administrator, trustee, or guardian, or in the right and for the use of some co-partnership, corporation, or society of which he or she may be a member. Management and control of said gas company vested in the persons name in the first section of this act.
Annual meeting of stockholders.
Officers.
Votes.

SECTION 5. Said company shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose. Certificates of stock.
Transferable.

SECTION 6. The board of directors of said company shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have Board of directors.
Quorum.
Duties.

full power and authority to purchase lands for the gas works and erect the same, to appoint all officers, and employ such assistants as shall be necessary to carry out the objects of this corporation, to direct what orders shall be drawn upon the treasurer, which shall be signed by the president and countersigned by the secretary, to fix all salaries and rates for the use of the gas, to enact by-laws for the proper regulation and government of said corporation, and generally to do such matters, acts, and things as by this act and the by-laws of such corporation they are authorized to do.

Dividends.

SECTION 7. The board of directors of said company shall declare dividends of so much of the nett profits of the company as shall appear to them advisable on the first Mondays of June and December of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared.

Penalty for opening communications into the gas main or other gas pipe without authority.

SECTION 8. If any person shall open a communication into the gas, main, or other gas pipe of said company without authority from the street inspector or other authorized agent of said company, or shall let on the gas after it has been stopped by order of said inspector or other authorized agent of said company for repairs or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas without authority as aforesaid, he, she, or they shall be subject to a penalty of not less than five nor more than fifty dollars, to be recovered before any justice of the peace as debts of like amount are by law recoverable; one-half to be paid to the informer and the other half to said company.

Punishment for malicious injuries to company's work.

SECTION 9. If any person shall wilfully or maliciously do or cause to be done any act or acts whatever whereby any building, construction, or works of said company, or any gas pipe, gas post, burner, or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured, or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be therefor indicted in the Court of Quarter Sessions. And on conviction thereof shall be punished by fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or both in the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of said company to a full compensation in damages by civil suit.

Company required to refill, repair, &c., all openings in streets, &c.

SECTION 10. That said company shall be required without unnecessary delay to refill, repair, and place in a safe condition all openings made in the streets, lanes, and highways of said borough, occasioned by laying, refitting, or examing the gas pipes, or for any other cause connected with the business of said company, at the expense of said company, and to be approved of by the borough street committee. That the gas works and fixtures shall be so located as not to prove noisome or injure the public health. That said company shall furnish the gas which the corporation of the borough of Pottsville may require for lighting up the streets, alleys, lanes, or highways of said borough, as well as to afford light to the council room, public stations, market house, and all other public buildings which said borough may hereafter erect, at a deduction of five per centum from the rates charged property holders and others by said company.

When privileges granted by this act to be exclusive.

SECTION 11. That if said company shall erect the gas buildings, and lay down and construct the gas pipes and other appurtenances, and shall proceed as hereinbefore provided to furnish the inhabitants of said borough with light from the gas manufactured by said company, at a price not exceeding the average rate charged in other cities, except

the city of Philadelphia and boroughs, and incorporated districts of this Commonwealth, wherein the gas in such districts is manufactured by private incorporated companies, said districts, cities, and boroughs to be hereafter included in computing said average, notwithstanding the companies therein may hereafter sell out to the municipality, then the privileges hereby granted to be exclusive, and not otherwise: *Provided* ^{Proviso.} *however*, That it shall not be lawful for the agent or agents, or other officer of said company, to stop off the gas from any consumer except for the purpose of repairs or unavoidable accident, who is willing to pay, and tenders the amount due by such consumer for gas already consumed, according to the rate as fixed by this section.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 485.

AN ACT.

To authorize the guardian of the minor children of John W. Thompson to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the guardian of the minor children of John W. Thompson is hereby authorized to sell and convey all the right, title, interest, and claim of the said minor children of, in, and to a certain tract or piece of land, with the appurtenances thereunto belonging, situate in Snowden township, Allegheny county, being part of a tract of land now occupied by James Means. And the said guardian is hereby further authorized to make and execute a deed or deeds for the said land and real estate to the purchaser or purchasers; which said deed or deeds shall vest in the purchaser or purchasers all the right, title, interest, and claim to the said land or real estate, as fully and completely, and with like effect, as was vested in said heirs or minor children at the time of executing said deed or deeds: *Provided*, That the Orphans' Court for the said county of Allegheny shall approve of said sale or sales, and require the said guardian to give security for the faithful disbursement of the proceeds of said sale or sales.

Guardian of the
minor children
of John W.
Thompson au-
thorized to sell
certain real es-
tate.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 486.

AN ACT

To incorporate the borough of Media, in the county of Delaware, and relative to Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the inhabitants of those parts of the townships of Upper and Nether Providence, in the county of Delaware, within the following boundaries, to wit: Beginning at the corner of lands of Edward Lewis, Isaac Cochran, Andrew T. Walker, and John Hill, on the south side of the Philadelphia and Baltimore State road, in the township of Upper Providence; thence due south twenty-five perches through land of John Hill; thence eastwardly to a point two hundred and fifty feet on the eastern side of a road leading through Providence to Chester, and fifty perches south of the State road aforesaid in the township of Nether Providence; thence north-westwardly parallel with and at the distance of two hundred and fifty feet eastward of said Providence road, to a point opposite the intersection of the said Providence road and a road leading from the Rock House; thence south-westwardly across said Providence road and through land of Joseph Rowland to the most northern point of land held by the directors of the poor for said county; thence south-westwardly along the north-western boundaries of said land and lands held by the county commissioners of said county and by Andrew T. Walker to the place of beginning, be, and they and their successors forever are hereby constituted a body politic in fact and in law under the name and title of "The Burgess and Town Council of the Borough of Media," and by the same name shall have perpetual succession; and they and their successors shall at all times forever be able and capable in law to purchase, have, hold, take and receive, possess and enjoy lands, tenements, hereditaments, liberties, franchises, and jurisdictions, goods, chattels, and effects, to them and their successors forever in fee simple or for any other less estate; and the same lands, tenements, hereditaments, goods, chattels, and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, charge, and incumber, or demise and dispose of at their will and pleasure; and by the same name shall be able and capable in law and equity to sue or be sued, plead or be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere in all manner of suits, actions, complaints, pleas, causes, bills, answers, matters and things that to the said borough as a body politic in law and in fact shall and may appertain; and for that purpose shall have and use one common seal and the same from time to time may change, alter, deface, and make anew: *Provided*, That the clear yearly value and revenue arising from the property so by them held shall not exceed the sum of ten thousand dollars.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the General Assembly, and who shall have resided within the same for six months immediately preceding such election, and within one year have paid a county or borough tax, shall have power

Boundaries.

Privileges.

Annual election.

on the third Tuesday of March in each and every year, to meet at the house of Peter Worrell, called "Providence Inn," in said borough, or at such other place as the council by ordinance may direct, and then and there, between the hours of one and seven in the afternoon, elect by ballot one reputable citizen residing in said borough for Burgess to be styled "Burgess of the borough of Media," and members of a town council, a town clerk, a high constable, one assessor and two assistant assessors; that is to say, at the first election six persons qualified to serve as members of the House of Representatives of this Commonwealth to compose the town council, and at each succeeding election one person for Burgess qualified as aforesaid, and two persons qualified as aforesaid for members of the town council; but previously to opening the first or any subsequent election, the inhabitants of said borough qualified to vote for borough officers as aforesaid who may be present at the place where the election is to be held, shall choose two persons as judges, one as inspector, and two as clerks of said election, and said elections shall be regulated throughout according to the general election laws of this Commonwealth so far as relates to receiving and counting of votes; and the said judges, inspector, and clerks, shall respectively take an oath or affirmation to perform their respective duties with fidelity and impartiality; and after the said election shall be closed, they shall declare the persons having the greatest number of votes duly elected to the respective offices for which such persons were named on the ballots of the electors; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot drawn in presence of said judges and clerks by the said inspector after the election shall be closed and the votes counted, whereupon the said judges shall make out duplicate returns under their hands, containing the names of the candidates and the number of votes given for each, one copy of which shall be delivered to the town clerk and the other filed among the records of the corporation; and duplicate certificates of the said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected and the other filed and preserved among the records of the corporation. And it shall be the duty of the town clerk to give notice in writing within two days from the time the said returns are made out to each of the persons so elected, naming particularly in said notice the office to which such person is elected, and he shall hand over the returns of such election in his possession to the town council at their first meeting after said election, which return shall also be filed among the records of the corporation; and if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the Burgess shall issue his precept directed to the high constable to hold an election in the manner aforesaid to supply such neglect, giving at least eight days' notice by six advertisements set up in the most public places in said borough: *Provided*, That the members and officers of the corporation shall continue to exercise all the powers and perform all the duties given to and enjoined upon them by this act until successors are duly elected or appointed. And in case of death, resignation, removal, refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the Burgess or in case of his death, absence, or inability to act, or when he refuses to act, the town council, shall issue a precept directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid to supply such vacancy: *Provided*, That any of the said elections to be held in the years one thousand eight hundred and fifty and fifty-one, any qualified voter in said county as aforesaid being the

Style.

Returns of election, how made.

Proviso.

Pauper not to vote.

bona fide owner of a town lot within the limits of said borough, shall be entitled to vote and shall be eligible to any office hereby created: *And provided further*, That no person who shall have been a resident as a pauper in the house for the support and employment of the poor for said county within six months next preceding any such election, shall be entitled to vote at said elections.

Council to be divided into classes by lot.

SECTION 3. That the said council shall meet on the first Wednesday in April annually (and monthly thereafter, or oftener if they shall so determine), and at their first meeting after their election shall receive and examine the returns and shall divide themselves by lot into three classes; the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of third year, so that one-third of their number may be chosen every year after the first election; and the said council shall appoint a president of their board whose duty it shall be to preside at the meetings of their board, sign all orders to convene the board when occasion may require, and generally to perform such duties as may be enjoined on him by ordinances of council; and in case of his absence, death, resignation, neglect of duty, or other inability to act, the said council may and shall from time to time elect a president pro tempore as occasion may require, who shall exercise the same authority and perform the duties that are or may be enjoined on the president; and whenever a vacancy or vacancies occur in the town council occasioned by death, resignation, refusal to act, or removal from the borough of any of the members thereof, the council may at the next stated meeting or any subsequent stated meeting thereafter, fill such vacancy or vacancies by the election of any qualified citizen or citizens by ballot; and the person or persons so elected by the council as aforesaid to fill such vacancy or vacancies shall remain in office until the next annual election of borough officers, when the qualified voters of the said borough shall elect a sufficient number of citizens qualified as in this act before directed for the unexpired terms of such members whose places were thus supplied by an election of the council.

Duty of president of board.

Vacancies, how filled.

Penalty for refusal to fill office.

SECTION 4. That if any person duly elected chief burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable, or other officer, and having received notice thereof, shall refuse or neglect to take upon him the duties of the said office, every person so refusing or neglecting shall for every such offence forfeit and pay the sum of twenty dollars, which fine and all others incurred and made payable by this act or by the acts of the corporation shall be adjudged to be paid to the corporation on conviction before the burgess or any justice of the peace in the said county. And it shall be the duty of all officers of the said borough on receiving money belonging to the corporation, to pay the same forthwith to the treasurer of the said borough.

Officers to be sworn.

SECTION 5. That the members of the said corporation, high constable, and all other officers created by this act, shall severally, before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace of said county to support the Constitution of the United States and the Constitution of Pennsylvania, and to perform the duties of their respective offices with fidelity, certificates of which oath or affirmation shall be filed among the records of the corporation.

Taxes, how collected.

SECTION 6. That the chief burgess elected and qualified agreeably to this act, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorized to issue his precept as often as occasion may require, to the collector, commanding him to col-

lect the taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said chief burgess, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorized to carry into effect all by-laws and ordinances enacted by the council, and whatever else may be enjoined on him or them for the well-ordering and good government of the borough. And all attestations made by the burgess with the seal of the corporation shall be good evidence of the act or things certified; and for affixing the seal of the borough to any instrument for other than borough purposes, he shall receive the sum of fifty cents. And the said burgess shall be entitled to a seat in the town council, but he shall not be entitled to or allowed a vote upon any measure or question acted upon by said council, except a casting vote when there shall be a tie.

fees for affixing seal.

SECTION 7. That the burgess for the time being shall take cognizance and have all the power, jurisdiction, and authority of justices of the peace within said borough for the suppression of riots, tumults, and disorderly meetings, for the punishments of vagrants and disorderly persons as well as in all criminal cases, and in all cases of violations of the provisions of this corporation act or of the supplements which may hereafter be appended to the same, or of the ordinances of the said borough, and shall be entitled to the same fees for like services as justices of the peace are by law entitled to receive; and his warrant, capias, or summons directed to the constable or constables may be delivered to execute the same at any place within the county of Delaware.

Burgess to have jurisdiction in certain misdemeanors.

SECTION 8. That the power of the said corporation of said borough shall be vested in the said town council, who shall in town council assembled have full power and authority to make, ordain, constitute, and establish such and so many laws, ordinances, and regulations as shall be determined by a majority of them as may be necessary to promote the peace, good order, benefit, and advantage of the said borough: *Provided*, The same shall not be repugnant to the Constitution or laws of the United States or of this Commonwealth, and the same to enforce, put in use and execution by policemen, watchmen, and other proper officers (whom they are hereby authorized to appoint and remove at pleasure), and at their pleasure to annul, revoke, alter, and make anew as occasion may require. Four of said members of council being present shall form a quorum.

By-laws.

SECTION 9. That the said council shall have power to borrow for the use of said borough for the purpose of grading and improving the streets, lanes, and alleys, of said borough, introducing a supply of wholesome water, and for other purposes, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the sum or sums, amount or amounts, so borrowed to the persons respectively lending the same; and the said certificates, signed by the chief burgess, by the president of the town council, and by the treasurer, shall be binding and obligatory on the said corporation: *Provided*, That the sum or sums of money so borrowed shall not in the whole exceed five thousand dollars, until the assent of a majority of tax-payers for borough purposes shall be signified in writing. And the said council shall have power to lay and collect taxes within the limits of the said borough for the purpose of carrying into effect the by-laws, rules, and ordinances of the said borough for meeting the current expenses of said borough, and for the re-payment of all loans with interest thereon hereafter to be made for the use of said borough, for the re-payment of which the faith of the said borough shall be pledged: *Provided*, That the assessment of such taxes upon real or personal property shall be made upon the valuation of property taken for the purpose of county rates and levies:

Power to borrow money for improving streets.

Proviso.

Taxes, how assessed.

And provided, The taxes levied in any one year shall not exceed one-half of one per cent. upon such valuation : *And provided further*, That land appropriated exclusively to agricultural purposes shall not be taxed at a higher rate than land of equal value now is, or hereafter may be made taxable in the township of Upper Providence, and that all land exceeding in quantity one acre attached to any residence, store, manufactory, public house, or other buildings, shall be deemed to be appropriated to agricultural purposes. And it shall be the duty of the assessor and assistant assessors to make a separate valuation of such land, and the buildings and improvements attached thereto, so that together said valuation of any estate shall not exceed the valuation taken for the purpose of county rates and levies ; and the collector of taxes appointed by said council shall on the delivery of the duplicate to him, proceed to collect the amount of such duplicate from the persons therein respectively charged, and pay over the same when collected without delay to the borough treasurer, taking his receipt therefor ; and if any person shall neglect or refuse to make payment of the amount due by him for such tax within thirty days from the time of demand made, it shall be the duty of the collector holding the duplicate wherein such tax shall be charged, to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' notice of such sale by written or printed advertisements to be set up in six of the most public places within the said borough.

SECTION 10. That the said council shall have power at their first meeting after they shall have been elected and qualified, or at an adjourned meeting to be held for that purpose, and yearly thereafter, to elect viva voce as many suitable persons as they shall deem necessary, to be collectors of taxes for said borough, who shall collect the taxes for the year for which they shall have been appointed, and shall give such security for the faithful discharge of their duties as the said council shall direct ; and also one solicitor for the said corporation, one or more street commissioners, a clerk of the markets (if the said last-named officers shall be deemed necessary), and such other officers as they shall deem necessary for the proper execution of the laws and ordinances, and the carrying of the police regulations of the said borough into effect ; and shall have power by ordinance to fix the compensation of all the said officers, and to prescribe their duties, and at pleasure to dismiss and remove all or any of them except the tax collectors.

SECTION 11. That the chief burgess and two inhabitants qualified to vote for members of the town council, to be appointed by the town council for that purpose, shall constitute a court of appeal ; and prior to the collection of any borough tax the collector shall inform each inhabitant of his tax and the time and place of appeal : *Provided*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

SECTION 12. That the council aforesaid of the said borough may and shall have forever hereafter power to establish markets in said borough on such days and as many in a week as the said council shall direct. And the said council may and shall by ordinance provide for the regulation of said markets, for removing nuisances and obstructions from the streets, roads, lanes, and alleys, and regulating the width of porches, steps, cellar-doors, signs, and other devices that may project into any street, lane, or public highway, ascertain and regulate the depth of any vaults, sinks, or pits for necessary houses, make permanent rules relative to foundations for buildings, party-walls, and fences ; they shall have full power and authority to prescribe the materials of which the

Collectors of
taxes, how
elected.

To give secu-
rity.

Court of appeal,
how constituted.

Power of coun-
cil to establish
markets.

Remove nui-
sances, regulate
streets, &c.

walls of buildings shall be constructed; and to prevent and restrain the exercising or practicing of any trade or occupation which shall be dangerous to the property and health of the inhabitants, they shall have power to impose fines and penalties, and the same to enforce and recover; they shall have full power to establish a nightly watch, to fix lamps in any part or parts of said borough, and for more conveniently watching the same may divide the borough into districts: *Provided*, That when a nightly watch shall be established, or lamps fixed in any part or parts of said borough, the owners of property of such districts, and they only, shall be assessed with the expense of maintaining them: *And provided*, That no fine or forfeiture shall be incurred until notice of liability shall have been given two days previously by at least ten advertisements set up in the most public places in said borough.

Establish
watch, &c.
Proviso.

SECTION 13. That all dogs kept and owned by any inhabitant of said borough within the limits of said borough, shall be deemed personal property and subject to taxation for the use of said borough. And it shall be the duty of the town council annually to issue their precept to the high constable of said borough, authorizing him to enumerate and return to said council within twenty days thereafter the names of all the inhabitants of the said borough who own or keep any dog or dogs, designating the number owned or kept by each; whereupon the said town council shall proceed to levy and assess on every such owner or keeper as aforesaid a tax of one dollar for the first dog, two dollars for the second dog, and so on in proportion to the number of dogs owned or kept by such inhabitant, which said tax shall be enforced and collected in the same manner as other taxes are collected by said borough.

Dogs to be
taxed.

SECTION 14. That the inhabitants of said borough qualified to vote for burgess and town council, may and shall at the time and place and in the same manner they elect the burgess and town council, elect a borough treasurer to serve one year from the time of his said election and until another person shall be duly elected and qualified to serve in his stead. And the said treasurer shall give security by bond, with two or more sufficient sureties, for the faithful discharge of the duties of his office, for the payment over of all moneys remaining in his hands in his official capacity at the expiration of his time of office, and the delivery of all books and papers in his hands belonging to his said office to his successor in office; and the said bond shall be taken in the name of the corporation of the borough of Media, and shall be filed of record in the office of the prothonotary of the county of Delaware. They may also elect in the manner and at the time aforesaid, three reputable persons as auditors to serve for one year to audit the treasurer's accounts, and one person for supervisor to superintend the opening, widening, and repairing the public roads, streets, lanes, alleys, and highways within the said borough under the direction of the street commissioners, and also two citizens of said borough, and return the names of the persons so elected to the next Court of Quarter Sessions of said county, one of whom shall be appointed constable of said borough.

Borough trea-
surer, how
elected.

To give bond.

Bond to be filed
in prothonota-
ry's office.

SECTION 15. That it shall be the duty of the town clerk to attend all the meetings of councils when assembled on business of the corporation, and perform the duty of clerk thereto, and attest, keep, and preserve the records of the corporation and be answerable for the same, and also to perform all the duties enjoined upon him by this act or by the acts of the corporation.

Duty of town
clerk.

SECTION 16. That it shall be lawful for the said town council to assess and collect a tax on single freemen and inmates in said borough, to be rated according to the provisions of the act relative to raising and collecting county rates and levies.

Tax on single
men.

Accounts to be rendered yearly. SECTION 17. That the street commissioners, treasurer, constables, clerk of the markets, and other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year, or oftener if required, for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected and other receipts, and also the amount of expenditures and for what purposes.

Street commissioners, powers of. SECTION 18. That the street commissioners, under the direction of the said council and burgess, shall take under their charge and care all the streets, roads, and other highways within the limits of said borough in the same manner as the supervisors of the public roads and highways within the several townships of this Commonwealth; and for that purpose shall have the same power and authority and be under and subject to the same penalties as the said supervisors. And that all property within the limits of said borough, as well as the inhabitants thereof, shall henceforth be exempt from the payment of any tax or taxes hereafter to be laid, levied, or assessed within the aforesaid townships of Upper or Nether Providence, for the opening or repairing of roads and highways therein; and that the supervisors of the roads and highways of said townships be, and they are hereby released from all care, charge, or supervision of the roads, streets, and highways within the limits of the said borough.

Plan of borough approved and confirmed. SECTION 19. That the draft or plan of the survey and regulation of a part of the borough hereby incorporated, made and returned by Joseph Fox on the third day of September, Anno Domini, one thousand eight hundred and forty-nine, and approved by Edmund Pennell, Mark Bartleson, and Caleb J. Hoopes, county commissioners of Delaware county, and filed in the recorder's office of said county, be, and the same is hereby approved and confirmed and shall remain unalterable, except by a supplement to this act; and that all streets, lanes, alleys, and roads laid down and marked on said draft or plan, shall be deemed, judged, and taken to be public highways; and that all streets, lanes, alleys, and roads laid down and marked on said draft or plan shall be deemed, judged, and taken to be public highways, and that all streets, lanes, and alleys within the said borough opened or laid out, or drawn, marked, or designated on plans or plots by those persons who have laid out any such in addition to those previously referred to in this section, shall be deemed and considered public highways.

Surveyors to be appointed to mark lines of streets, &c. SECTION 20. That the said town council are hereby authorized and required to appoint one or more skilful surveyors, who shall as soon as conveniently may be after being so required by the said council, proceed to survey and mark the lines of all the streets, roads, lanes, and alleys now open or intended to be opened for public use within the said borough, which have not been surveyed and returned as aforesaid; and also to survey and lay out such other new streets, roads, lanes, and alleys, and common sewers within said borough as he or they shall deem necessary for a regular and convenient town plan, and for the more equal distribution and ready discharge of the waters thereof, and to regulate the height of the streets and gutters, and the width of the foot-ways thereof; and for that purpose the said surveyor or surveyors shall have full power and authority, with or without his or their assistants, to enter upon the land of any person or persons within the said borough. And when the said survey and regulation shall be completed, the said surveyor or surveyors shall make or cause to be made two drafts or plans thereof with every explanation necessary for a full understanding of the same; and one of the drafts or plans shall be re-

To make drafts and plans, &c.

turned to the said town council, who shall keep the same in such place as they may fix upon, and the other of the said drafts or plans shall be returned to the clerk of the Court of Quarter Sessions of the county of Delaware, to be filed in his office for public inspection and examination; and it shall be the duty of the said council to give at least thirty days' previous notice in at least one of the public newspapers published in said county, and by handbills posted up in at least ten of the most public places in said borough, that on a certain day to be appointed by the court, the court will hear any objections that may be made thereto by any freeholder of the said borough, and where the said draft or plans are deposited for inspection; and the said court shall at the time appointed judge and determine whether any and what alteration shall be made therein, and shall direct the said draft or plan with such alterations (if any) as shall be made, to be recorded in the office for recording of deeds in the said county; and thenceforth all the streets, roads, lanes, and alleys so laid down and marked shall be forever deemed, adjudged, and taken to be public highways, and the survey and regulation so returned and recorded shall be and remain unalterable. And inasmuch as the public convenience will for the present be answered by the certain knowledge where and in what manner such streets, roads, lanes, and alleys will in future run, but as it may not be necessary immediately to lay all of them open, in order therefore to provide for the opening the same from time to time as the increasing improvements of the borough may require, it shall and may be lawful for any number of freeholders of the said borough, not less than seven, whose land lie near or adjoining to any such street, road, lane, or alley, to apply by petition to the Court of Quarter Sessions of said county, who after hearing the petitioners and such other freeholders through whose lands such street, road, lane, or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same; and if the court shall be of opinion that the state of improvement in the vicinity is such as to require the opening thereof, they shall issue their warrant to the street commissioner of said borough enjoining and requiring him or them to open such street, road, lane, or alley, according to the plan or draft of the same: *Provided always*, That no such street, road, lane, or alley so laid out shall be opened and appropriated to public use until the owner or owners of the ground through and over which the same may pass shall have been compensated for any damage he, she, or they may sustain thereby, which compensation shall be ascertained and paid agreeably to the provisions of an act entitled "A supplement to the act entitled 'An Act for the laying and keeping in repair the public highways within this Commonwealth, and for laying out private roads,'" passed the third day of April, one thousand eight hundred and four. And the said councils shall, whenever required, as the said survey and regulations shall progress, draw orders on the treasurer of said borough for the pay and incidental expenses of the said surveyor or surveyors, who is hereby required to pay the amount of such order or orders out of any money in the treasury appropriated to that purpose.

SECTION 21. That the said town council shall have full power and authority to curb and pave or cause to be curbed and paved, agreeably to the survey and regulations provided for, made, and established in this act, the foot-ways and gutters within the said borough, when and in such manner as they may direct, and shall assess the freeholders in front of whose ground such curb shall be set and foot-ways and gutters paved, and for keeping the same in repair in front of their lots respectively:

To be filed in Court of Quarter Sessions.

Notice of files to be given.

Court to hear objections.

How streets to be opened.

Proviso.

Damages, how ascertained.

Power of council to curb and pave streets and foot-ways.

Provided, That every owner of property shall have the privilege of curbing and paving the foot-ways and gutters in front of his or her own property, so that the same shall be completed in manner and form as directed by said council within sixty days after being notified by the said council so to do : *And provided also*, That the said council may at their discretion substitute gravel or such other suitable substance as they may direct instead of paving materials for such foot-ways as paving for the time being can reasonably be dispensed with.

Upon applica-
tion to grade
cart-ways.

SECTION 22. That the said council shall have full power and authority, and they are hereby directed upon the application of a majority of the freeholders owning property on any street, road, lane, or alley surveyed and regulated as aforesaid within the said borough, to pitch and grade the cart-ways thereof: *Provided*, That they shall not be required so to pitch and grade in any one year more than the funds borrowed or raised by tax for that purpose will admit of.

Real estate sub-
ject to pay
debts.

SECTION 23. That all real estate within the limits of said borough shall be subject to the payment of the debts hereafter contracted by the said council, for or by reason of any work done or materials furnished for, or in the pitching, grading, curbing, paving, or otherwise fixing or improving the foot-ways in any street, road, lane, or alley in front of said real estate, before any other lien thereafter created, and that the said council be, and they are hereby authorized and empowered to collect the said debts, together with interest thereon from the time of assessment, in like manner as county rates and levies are collected.

Regulators to be
appointed.

SECTION 24. That the said council be, and they are hereby authorized and enjoined to appoint one or more skilful person or persons as regulator or regulators of the said borough; and the said regulators or any one or more of them shall have full power and authority, with or without his or their assistants, to enter upon the land of any person or persons for the purpose of regulating and marking the boundaries or lines of any lot or lots of ground required to be regulated. And if any person or persons shall erect any building or buildings adjoining to or upon any street, road, lane, or alley, or on the line of his, her, or their neighbors ground, without first applying for and having the line or lines regulated and marked as aforesaid, or shall deviate therefrom by extending his, her, or their building or buildings beyond any or either of the lines or boundaries marked as aforesaid, unless determined other-

Duties of.

Penalty for vio-
lation of regula-
tion.

wise on an appeal, every person employed as well as the owner and master builder shall severally forfeit and pay the sum of one hundred dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be by law recoverable, one-half thereof to be appropriated to the use of said council for the purpose of defraying the contingent expenses of said borough, and the other half to the use of the person or persons suing for the same: *Provided*, That the same shall not be recoverable unless prosecuted within one year after the offence be committed. And if any person or persons shall enclose or fence in any lot or lots of ground without first having the lines or boundaries thereof regulated and marked as aforesaid, or if after having the lines and boundaries so regulated and marked shall deviate therefrom so as to enclose a part of his, her, or their neighbors grounds, unless otherwise determined on an appeal, every such person as well the owner as the person or persons making such fence shall forfeit and pay the sum of twenty dollars, to be recovered and appropriated in the same manner as hereinbefore directed in respect to buildings, and that the said regulator or some of them whom the said council may appoint recording surveyor, shall enter in a book or books to be provided by and kept at such place as the said town council shall provide and direct,

Proviso.

all regulations, orders, or awards by him or them made in pursuance of this act; and all such regulations, orders, or awards, if made with reasonable notice to the parties interested, shall be conclusive unless the same be set aside on an appeal; and that all appeals hereafter to be made from the regulation, order, or award of the said regulators, or any one or more of them as aforesaid, shall be made and lie to the next Court of Common Pleas to be holden for the county of Delaware within ten days from and next after the time of making such regulation, order, or award, appealed from, and upon security being entered by the party appealing for the payment of all cost in case he, she, or they shall not prevail in his, her, or their appeal, and the said court shall try the matter in controversy by a jury according to law: *Provided*, That no person or persons under age, non compos mentis, feme covert, imprisoned, shall be affected by any regulation, order, or award as aforesaid, until the expiration of twelve months' notice thereof in writing, after coming to full age, sound mind, discoverture, being at large within which period his, her, or their appeal, may be entered and prosecuted as aforesaid.

SECTION 25. That it shall be lawful to place the centre of all party walls hereafter to be erected between party and party within the said borough, on the line of the ground of the parties between whom such party walls shall be erected: *Provided*, That such party wall or walls shall not be of greater or less thickness than shall be necessary for a good substantial dwelling house, of which thickness the said regulator or regulators shall judge; and the first builder shall be re-imbursed one moiety of the value of such party wall or so much thereof as the next builder shall have occasion to make use of; before the next builder shall use or break into the said wall or walls, the value thereof to be determined and fixed by any one or more of said regulators, or by arbitrators mutually chosen.

SECTION 26. That the said town council shall have full power and authority to limit the depth and distance from the line of the adjoining neighbors' ground of all vaults or sinks hereafter to be dug within the said borough for privies or necessities; and if any person or persons shall dig or cause to be dug any such vault or sink for a privy or necessary of any greater depth or nearer the adjoining neighbors' line than shall be limited as aforesaid, every such person so offending and being thereof convicted, shall forfeit and pay the sum of ten dollars, to be appropriated towards defraying the contingent expenses of said borough, and the said vault or sink shall be filled up at the expense of the owner or owners thereof.

Depth of vaults,
&c., fixed.

SECTION 27. That the Court of Quarter Sessions of the Peace for the county of Delaware shall have, and they are hereby vested with full power and authority to inquire of, hear, try, and determine all offences which shall be committed within the said borough contrary to this act, or against any of the by-laws, ordinances, and regulations that shall be made, ordained, and established in pursuance of this act, and punish the offender or offenders as by the said laws, ordinances, and regulations shall be prescribed or directed, except when the fines, penalties, or forfeitures shall not exceed the sum of one hundred dollars, which shall be recoverable before the burgess of said borough or any justice of the peace of said county, subject nevertheless to an appeal therefrom at any time within ten days from the date of such judgment, to the next Court of Quarter Sessions of said county, the person or persons so appealing first entering into recognizance with at least one sufficient security in double the amount of such judgment, to prosecute the said appeal with effect, and to abide the order of the court.

Court of Quarter Sessions to try and determine certain offences.

SECTION 28. That it shall be the duty of the high constable to give

High constable
to give notice of
elections.

notice of the annual elections of the said borough, by setting up advertisements in eight of the most public places therein ten days previously thereto; and he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, That Isaac Halde- man, Joseph Rowland, and John Hill, or either of them, shall publish and superintend the election to be held in the year Anno Domini, one thousand eight hundred and fifty; and it shall and may be lawful for the said high constable to perform all the duties, and exercise all the authorities of the constables of the several townships of this Common- wealth within the said borough, and generally to do, execute, and per- form whatever else may be enjoined on him by said council and burgess; and the said high constable shall be entitled to the same fees for the like service that by law are allowed to other constables.

Rate of taxation
not to exceed
one per cent.

SECTION 29. That if for the purpose of promoting any object of general utility, a larger expenditure of money may be necessary than can be realized from taxation as limited by this act, and the requisite amount cannot be conveniently obtained on loan as provided for by the ninth section of this act, or it shall be deemed inexpedient to do so, it shall be lawful for the said corporation to assess and collect the neces- sary amount by a tax levied on all persons and property hereinbefore made taxable for borough purposes, at any rate not exceeding one per cent. on the valuation of taxable property as taken for the purposes of county rates and levies: *Provided*, That the assent of a majority of the tax- able inhabitants of the said borough shall be first obtained in writing.

Preamble.

SECTION 30. *And whereas*, An agreement has been entered into be- tween the county commissioners of said county, Andrew T. Walker and John Hill, to vary the line of that part of the State road lying between the lands of the said county commissioners and Andrew T. Walker on the north side thereof, and land of John Hill on the south side, so as to avoid two angles therein, and make the course of the said road one con- tinuous straight line the whole length of the ground surveyed and regu- lated by Joseph Fox for the said county commissioners as aforesaid, and to widen the same from a forty-five to a fifty-feet wide road; there- fore,

Changing loca-
tion of certain
road.

SECTION 31. *Be it enacted by the Senate and House of Represent- atives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the location of the said road be, and the same is hereby changed from an angle in the same nearly opposite to the mansion house on the pre- mises of John Way, to another angle therein about thirty-two perches eastwardly of the dwelling house of the said Andrew T. Walker, to run as follows, to wit: Beginning at a point in the middle of said road nearly opposite said John Way's mansion, where a line running thence north seventy-six degrees and thirty-five minutes west, shall be parallel with and at the distance of twenty-two feet six inches south of the line here- tofore known as the line between the lands of Richard Briggs and the said John Hill, thence north seventy-six degrees and thirty-five minutes west, within the bounds of the said road as now used, fifty-eight perches and thirty-nine hundredths to a point opposite to, and twenty-two feet six inches south of a stone in the front yard of the mansion on the pre- mises recently sold by the said county commissioners to John Esrey, said to have been planted for a corner of the land of the said Richard Briggs and that of the said John Hill; thence the same course partly within the bounds of said road as now used, and partly through land held by the said county commissioners as aforesaid, thirty-one perches and forty-seven hundredths to the line of land of the said Andrew T. Walker; thence through lands of said Andrew T. Walker, twelve

perches and thirty-six hundreths to a stake; thence south fifty-five degrees and forty minutes, west through the last-mentioned land thirteen perches and five-tenths of a perch to the said angle in said road, about thirty-two perches eastwardly of the dwelling house of the said Andrew T. Walker, to be opened to the width of fifty feet, and that so much of the said road as now used, not included within the limits of the said road as hereby changed and located, be, and the same is hereby vacated; and inasmuch as in making said change the said road at the eastern end thereof has been laid several feet further into the land of the said John Hill, in consideration whereof the said county commissioners, in accordance with an agreement made between them and the said John Hill, are hereby authorized and empowered to convey to the said John Hill in fee all that triangular lot or piece of ground bounded on the north by the said road as hereby located, on the south by other ground of the said John Hill, and on the west by land of the said Andrew T. Walker, containing forty-four square perches.

SECTION 32. That the said county commissioners of Delaware county be, and they are hereby authorized and empowered, for the convenience and protection of the buildings about being erected within the limits of the said borough for the accommodation of the new seat of justice of said county, to construct upon any property within the said limits belonging to or held for the use of said county, such water works and basin as they may deem sufficient for raising and containing with an ample head all the water a certain stream passing through the western end of said property is capable of supplying, and also to lay such pipes or mains as they may judge requisite for conducting the said water to said basin, and from thence to the court house square and prison in said borough. And in order for raising means for the accomplishment of that object and defraying the expenses of the same, it shall and may be lawful for said county commissioners jointly with the said council to lay out in town lots any of the said grounds lying westwardly of a line running from the north-western corner of a tract of land held by Isaac Haldeman, southwardly to the north-eastern corner of land held by John Way, in said borough, and sell and dispose of the same, and out of the proceeds thereof appropriate and use such sum or sums of money as they may require for carrying into effect the foregoing part of this section. And the said county commissioners are hereby further authorized and empowered to lease or sell the said works and appurtenances, together with the right to use and consume the whole quantity of water supplied by said stream, at a fair annual rent or price, to the said burgess and town council for the use of the inhabitants of the said borough, reserving on behalf of the county, however, the right to make such attachments to any pipe or pipes that may then or thereafter be laid in any of the streets, courts, lanes, or alleys in said borough, as the said county commissioners may from time to time deem requisite, for the purpose of introducing the water into any property appertaining to the said seat of justice and the jail of the said county, and also to take and use so much of the water as may be necessary on said county property for domestic and cleansing purposes or the extinguishment of fires.

SECTION 33. That the said county commissioners be, and they are hereby authorized and empowered to grant and convey to the burgess and town council of the said borough, for the use of the inhabitants thereof, any lot or lots of ground within the limits of said borough which they (the said county commissioners) may have designed in laying out the town plot as aforesaid, for the purpose of a public market.

SECTION 34. That it shall not be lawful for any person or persons to vend or sell vinuous, spirituous, or other intoxicating liquors within the

County commis-
sioners of Dela-
ware county,
authorized to
construct water
works.

Authorized to
convey certain
lot to borough.

Sale of liquors
prohibited.

Proviso.

Certain act extended to Rockport, Carbon county.

limits of said borough, except for medicinal purposes or for use in the arts; and it shall not be lawful for the Court of Quarter Sessions to grant any license or licenses therefor to any inn or tavern within said borough. If any person or persons shall within said borough vend or sell, or cause to be vended or sold, any vinous, spirituous, or other intoxicating liquors to any persons (except as provided for in this section), such person or persons so vending or selling shall be liable to indictment, and on conviction thereof shall forfeit and pay for every such offence a sum not less than twenty nor more than one hundred dollars, at the discretion of the court: *Provided*, That it may be lawful for the Court of Quarter Sessions of said county to license inns or taverns in said borough, without permission to vend or sell intoxicating drinks: *And provided*, Such license may be granted without the publication of any previous notice, as is required for other taverns.

SECTION 35. That the several provisions of the act entitled "A supplement to an act entitled 'An Act to authorize the voters of Mifflin county to decide the question of tavern license therein, and to prohibit the sale of intoxicating drinks within specified limits in certain counties,'" passed the sixteenth day of March, A. D., one thousand eight hundred and forty-seven, be, and the same are hereby extended to the shipping port at Rockport, in the county of Carbon, as fully and effectually as though originally named in the said supplement.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 487.

AN ACT

To legitimate George M'Bride, Rudolph Frederick Kelker, and Louisa F. Bennett.

Geo. M'Bride
legitimated.

Rudolph Frederick
Kelker legitimated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George M'Bride, son of Thomas M'Bride, late of Fayette county, Pennsylvania, deceased, shall enjoy and possess all the rights and privileges of a child born in lawful wedlock.

SECTION 2. That Rudolph Frederick Kelker, son of Frederick Kelker, of Dauphin county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and that he shall be able and capable in law to take, hold, inherit, and possess, pass and transmit, all and every estate, real and personal, of whatever kind or nature soever, as

fully, effectually, to all intents and purposes, as if he had been born in lawful wedlock.

SECTION 3. *And be it further enacted*, That Stephen D. Bennett, ^{Louisa Frances} and Ann C. his wife, of the county of Philadelphia, be authorized to ^{Bennett, name} change the name of their adopted infant to Louisa Frances Bennett; ^{changed to.} and by that name the said adopted infant, Louisa Frances Bennett, shall have and enjoy all the rights, benefits, and advantages of a child born in lawful wedlock of the bodies of the said Stephen D. Bennett and Ann C. his wife; and shall be able and capable in law to inherit and transmit any estate whatsoever, or her equal share, in case the said Stephen D. and Ann C. his wife have issue during coverture to survive them, of which the said Stephen D. Bennett and Ann C. his wife may die seised.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 488.

AN ACT

To incorporate the Pottsgrove Cemetery Company, and relative to convicts in the county of Potter.

WHEREAS, Several citizens of this Commonwealth hereinafter named, have associated for the purpose of establishing a cemetery in the vicinity of Pottstown, in the county of Montgomery, including about eighteen acres of a tract of land in Pottsgrove township, in the county aforesaid, for the purpose of interments; and they have desired that they and their successors be incorporated for establishing and perpetuating said cemetery; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Thompson, Jacob S. Yost, Jonas Smith, William Mintser, Edmund Wells, John Eckert, Daniel Gilbert, John Smith, Abner Evans, Thomas Crewys, be, and are hereby made a body politic and corporate in law, under the name, style, and title, of "The Pottsgrove Cemetery Company;" and that the same shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation.

SECTION 2. That the first-named four persons in the above section shall be trustees of said cemetery company; and whenever a vacancy

shall occur in the board of trustees, the Court of Common Pleas of the county in which it is located shall appoint other trustees, so that the ground selected for a cemetery may be preserved for the purposes intended, that those who may bury there may be assured of continued attention to the remains of relatives and friends who have been committed to the earth.

Hold lands.

SECTION 3. That the said cemetery company shall be able and capable in law to purchase and hold for the purpose of a cemetery a tract of land located as aforesaid; also to hold so much personal property as may be necessary for the purposes of this corporation and no more, and to assume the management, direction, and disposal of the same.

Power to lay out and ornament ground, &c.

SECTION 4. That the trustees shall have power to lay out and ornament the ground purchased by said cemetery company for the purposes of this corporation, to erect suitable buildings thereon and keep the buildings and premises in repair, to arrange burial lots, and sell and dispose of the same for burial places under such rules as may be proper and necessary, to make by-laws and regulations from time to time relative to the duties of trustees, and to the appointment of suitable officers and agents and their duties and compensations; and from time to time make such other rules and regulations for the government of lot-holders and visitors as they may deem proper.

Streets.

SECTION 5. That no street or road shall be opened through the land of said corporation, occupied as a burial ground, except by and with the consent of said corporation.

Relief in equity.

SECTION 6. That the Court of Common Pleas of the county in which said cemetery is located shall have full power at all times to grant relief in equity, so far as regards the removal of any trustee or trustees who may be unable to fulfil his or their duties, or who neglects to carry out the object and intention of this charter, and from time to time appoint a trustee or trustees to fill all such vacancies as may occur by death, resignation, or removal.

Provisions of certain act extended to the cemetery.

SECTION 7. That the same protection contained in the act relating to the "Mutual Family Burial Ground Association of the city and county of Philadelphia," be, and the same is hereby extended to the Pottsgrove cemetery.

Potter county, relative to convicts in.

SECTION 8. That from and after the passage of this act, all persons sentenced to the penitentiary from the county of Potter, shall be conveyed to the Eastern Penitentiary of this Commonwealth, under the same provisions as they are now conveyed to the Western Penitentiary.

J. S. McCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 489.

AN ACT

To incorporate Cedar Hill Cemetery Company of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Castor, William Baldwin, Thomas Castor, Isaac Shallcross, Levi Foulkrod, William Overington, Charles E. Deal, Leonard Shallcross, Harvey Quickshall, William Borger, Daniel Faunce, William Horrocks, James Horrocks, Francis Deal, Jacob Kenton, Thomas S. Kenton, William Kenton, Charles H. Ball, George L. Gellingham, Isaac F. Baker, Samuel L. Mintzer, Henry W. Ditman, and all and every the persons who now are or may hereafter become members of the company styled "The Cedar Hill Cemetery Company of the county of Philadelphia," and their successors, shall be, and they are hereby created and declared a body corporate by the name, style, and title, of "The Cedar Hill Cemetery Company of the county of Philadelphia," and by that name shall have perpetual succession, and shall be capable in law to have and use a common seal, to hold and dispose of property, to sue and be sued, plead and be impleaded, in any court of law or elsewhere, to ordain, pass, and put in execution all such laws, rules, and regulations not contrary to the Constitution and laws of the United States and of this Commonwealth, or to this act, as shall be necessary and convenient for carrying into effect the objects of the company, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of their ground and the due management and regulation thereof.

Corporators.

Style.

Privileges.

SECTION 2. The object for which this corporation is created is to establish a cemetery or burial place for deceased human bodies, beyond the thickly-populated portion of the city and districts, being a lot of ground situated in the township of Oxford, in the county of Philadelphia, at the junction of the Frankford and Bristol turnpike road with the Bustleton and Somerton turnpike road, containing about twelve acres of ground.

Object.

SECTION 3. The government of the Cedar Hill Cemetery Company, and the management and disposition of its affairs, shall be vested in a board of trustees, who shall be elected annually at such time and in such manner as the said company by its laws shall provide. At the first meeting of the trustees after their election in each year, they shall elect from their body a president, vice president, treasurer, and secretary.

Board of trustees.

SECTION 4. That the grounds of the said cemetery company, that is to say, all that lot or piece of ground bounded north-westward by the Bustleton and Somerton turnpike road, south-eastward by the Frankford and Bristol turnpike road, and northward by the road leading from Germantown to the river Delaware, containing about twelve acres—and no street, road, railroad, or canal shall be opened through the same except by and with the consent of the trustees thereof. And the lots in said cemetery shall not be subject to attachment or execution: *Pro-*

Grounds.

vided, That the said exemption from attachment and execution shall not extend to more than four lots of the size laid out and held by one individual: *And provided further*, That nothing herein contained shall exempt said ground from taxation for State purposes, or from such assessment or taxation as may be made by the trustees thereof for cemetery purposes in pursuance of the by-laws of said company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 490.

AN ACT

To incorporate the Bedford Hall Association of the borough and county of Bedford.

Corporators.

Style.

Privileges.

Duties of commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That S. L. Russell, John H. Rush, W. T. Chapman, John G. Hartley, S. H. Tate, Alexander King, Francis Jordan, Michael Bannan, Hugh J. Henderson, Jeremiah James, Joseph Filler, S. D. Scott, John R. Jordan, Hiram Lentz, and John Yount, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Bedford Hall Association of the borough and county of Bedford," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, to take and to hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and to hold for the use of said association any goods or chattels, sum or sums of money by gift, grant, bargain, sale, will, devise, or bequest from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said association: *Provided*, That the real estate of which the said corporation shall be at any one time possessed shall not exceed the clear yearly value of three thousand dollars.

SECTION 2. The persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter

mentioned; that is to say, they or such of them as shall act in the premises, not less than five, shall as soon as conveniently may be, and within six months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate in the borough of Bedford, of which time and place at least ten days' previous public notice shall be given in one or more newspapers published in the borough of Bedford, in which book or books they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the trustees and company of the Bedford Hall Association of the borough and county of Bedford, the sum of five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the trustees of said association. Witness our hands and seals the day of

Anno Domini, one thousand eight hundred and fifty;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves, or by committees to be by them appointed, shall attend for the purpose of opening the books and to receive subscription for stock, and the said books shall be kept open at least three hours on such day, at the time and place designated in the public notices to be given as aforesaid, and in case eight hundred shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations, as the trustees for the time being may order: *Provided*, That no subscription for such stock shall be valid, unless the party or parties making the same shall at the time of subscribing pay to said commissioners one dollar on each and every share for the use of the association.

SECTION 3. The said commissioners, or at least five of them, acting in the premises as aforesaid, shall as soon as conveniently may be after five hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least ten days' previous notice thereof in one or more newspapers of the borough of Bedford aforesaid; and the said subscribers when met shall by ballot elect by a majority of the voters present five trustees citizens and residents of said county, to conduct and manage the affairs and business of said association until the first Monday of May of the next following year and until others are chosen, and shall annually thereafter at such time and place as the by-laws of the said association shall provide, elect five trustees to serve as aforesaid; and the three commissioners first named shall be the judges of the first election of trustees, and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such elections given in such manner as the by-laws shall provide.

SECTION 4. The object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the borough of Bedford, for the accommodation of the various orders of the Sons of Temperance and lodges of the Independent Order of Odd Fellows and other beneficial societies established or to be established there, and suitable also for a room to be used for public meetings and for a library.

SECTION 5. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Powers of trustees.

SECTION 6. The trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed, to elect a president from their own body, to elect a treasurer and secretary, and to appoint such officers and agents as they shall deem necessary to carry out the objects aforesaid, conduct and execute the business and affairs of said association, to fix their compensation, and in their discretion dismiss them, to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of the association, and generally to pass all such by-laws as shall be necessary to the exercise of said powers and of other powers vested in said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the laws of this Commonwealth or of the United States.

Committee of examination.

SECTION 7. It shall be the duty of the trustees at least once in every year to appoint from the members of the said association three competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said association and to make report thereof; and it shall also be the duty of the trustees on the third Mondays of April and October in each and every year, to make and declare a dividend of the interests and profits of the said association after paying its expenses, and the same to pay over to the stockholders or their legal representatives within thirty days thereafter.

Reservation.

SECTION 8. The Legislature hereby reserves the right to alter or amend the charter of the Bedford Hall Association whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 491.

AN ACT

To incorporate the Fort Necessity Washington Monument Association.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Daniel Sturgeon, John Washington, S. Y. Campbell, John Huston, Hervey Morris, Robert P. Flenniken, Andrew Stewart, Sebastian Rush, Daniel Kaine, Joshua B. Howell, William Stone, Talman Lud-*

ington, and Isaac Beeson, of Fayette county, and all other persons who have subscribed or shall hereafter subscribe any sum for the erection of monument under the provisions of this act, and their successors or assigns, be, and they are hereby made a body corporate, under the style of "The Fort Necessity Washington Monument Association," and by *Style*. that name to be able and capable to have and to use a common seal, to sue and be sued, plead and be impleaded, and to do all other things in- *Seal*. cident to a corporation.

SECTION 2. That said corporation shall have power to purchase and hold so much real estate embracing the site of Fort Necessity, and so *Powers*. much personal property as shall be necessary to carry out the objects of the corporation and the preservation of its property, and the property of said association shall not be subject to attachment or execution, and shall be exempt from taxation forever.

SECTION 3. The business of said corporation shall be managed by a President, man- president, five managers, and a treasurer, to be chosen on the first *agers, treasurer*. Monday of May, one thousand eight hundred and fifty, by a majority of the subscribers present, each having one vote. All subsequent annual elections shall be held on the twenty-second February, or on the succeeding day when the twenty-second falls on Sunday; the place and hour of holding said election shall be ordered by the president, who shall give notice thereof in two of the public papers of the county.

SECTION 4. The president, managers, and treasurer shall make an *Annual report*. annual report at each stated election, which shall exhibit an accurate account of the receipts and expenditures of the association until the monument and improvements are completed. The treasurer shall also act as secretary, and keep a book to record the minutes of the board.

SECTION 5. It shall be the duty of the president to visit the monument ground at least once a year, in conjunction with a manager designated by himself, for the purpose of ascertaining the condition of the monument and improvements thereabouts; and if the president and manager so visiting deem any repairs needful, the president shall convene the board of managers, or a majority thereof, whose duty it shall be to provide for the same if in their judgment such repairs be necessary and proper. *President, duty of.*

SECTION 6. The persons named in the first section of this act, or a majority of them, are constituted a board of managers to transact the business of the association until others shall be elected in pursuance of the third section of this act. *First board of managers.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 492.

A N A C T

To incorporate the Odd Fellows' Hall Association of Spring Garden, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William O. B. Merrill, Pariset W. Birmingham, Amos Briggs, Charles M. S. Leslie, John Lylburn, jr., John G. Moore, David Jones, William Solly, Albert Herbert, Samuel P. Morris, Isaiah G. Stratton, and James F. Ryder, and their successors, and all persons who now are or may hereafter be associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of Spring Garden, in the county of Philadelphia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity within this Commonwealth and elsewhere, and also to be able to take and hold to them and their successors, either by gift, grant, devise, lease, absolute purchase, or with a reservation of rent, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of the said association, and also to take and hold for the use of the said association any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure, to grant, bargain, and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any one time be possessed shall not exceed the clear yearly income of three thousand dollars.

SECTION 2. The object of the said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the district of Spring Garden aforesaid, for the accommodation of the various lodges and encampments of the Independent Order of Odd Fellows, and suitable also for a library.

SECTION 3. The said corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this Commonwealth.

SECTION 4. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew, as they shall think proper, and shall have and exercise all the rights, privileges, and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

SECTION 5. The government of the said association and the management and disposition of its affairs and property shall be vested in a board of trustees, who shall be elected *annual* at such time and in such manner as the said association shall by its by-laws provide. At

Corporators.

Style.

Privileges.

Object.

By-laws.

Seal.

Trustees.

the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary, and treasurer.

SECTION 6. That the Legislature hereby reserves the right to alter or amend the charter hereby granted, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 493.

AN ACT

To incorporate a company to erect a bridge over the Conemaugh river at the mill of James Clarke, in Indiana county, and to construct a turnpike road from the Pennsylvania railroad to the Huntingdon and Blairsville turnpike road, to prevent the hunting of deer with dogs in the county of Clearfield, and relative to bridges on the Juniata river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Clarke, Christopher Leibengood, Thomas Adams, John Peters, David Ralston, Thomas Campbell, John Dougherty, Edward P. Emerson, and Archibald Davis, all of Indiana and Westmoreland counties, be, and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least three weeks' notice thereof in two papers printed in Indiana and Westmoreland counties, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock one dollar shall be paid to the commissioners, or some one of them, for every share to be subscribed—out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of said company as soon as one is appointed; and the residue of said subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and managers of said company may direct. Commissioners.

SECTION 2. When two hundred shares shall have been subscribed, the persons holding the same are hereby created and incorporated into a company by the name and title of "The Conemaugh Bridge and Turnpike Road Company," and by that name those who have subscribed and those who may hereafter subscribe shall have perpetual Style.
Privileges.

succession, with all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge and construct the turnpike road, or either of them, or fulfil the intent of this act; and of purchasing and holding to them and their successors, lands, tenements, and hereditaments, and estates, in fee simple or any real or personal estate as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice.

Capital stock.

SECTION 3. The capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of ten dollars for each share; and the subscribers to the said capital stock shall pay the sum or sums of money for the shares by them held respectively or by them subscribed, at such period and in such instalments as the president and managers of said company may order and determine.

Annual meeting.

SECTION 4. As soon as two hundred shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in two papers printed in Indiana and Westmoreland counties for three weeks of the time and place of a meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot in person or by proxy, one president, four managers, and one treasurer, to conduct the business of said company until other officers shall be elected; and the said president and managers shall make such by-laws, rules, and regulations for the government of said company as they shall think necessary and proper, consistent with the Constitution and laws of this Commonwealth, for the well ordering of the affairs of said company and fixing upon the site of said bridge and location of said turnpike road; and each stockholder shall be entitled to one vote for each share of stock not exceeding twenty, and one vote for every five shares exceeding that number. And the stockholders shall meet on the last Saturday in December in every year, at such place as shall be fixed on by the president and managers for the purpose of electing officers for the ensuing year.

Certificates of stock to be issued.

SECTION 5. The president and managers first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized in the presence of the president or treasurer, subject however to all payments due or to become due thereon; and the assignee or party to whom the same shall have been so transferred shall be a member of said company, and be subject to all the liabilities, conditions, and penalties incident thereto, in the same manner as the original subscriber would have been: *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to the said company, unless the board of managers shall consent thereto.

Proviso.

Quorum.

SECTION 6. The president and managers shall meet at such times and places as shall be agreed on for the transaction of business at such meeting; three members shall form a quorum for transacting business, they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, agents, toll-gatherers, laborers, and other persons as they shall think necessary to build a bridge across the Conemaugh river at the mill of James Clarke, in Indiana county, and to make and construct a

Location.

turnpike road from or near to the tavern of Thomas Adams, on the Huntingdon and Blairsville turnpike road in Indiana county, over said bridge to the Pennsylvania railroad at or near to Christopher Leibengood's summit in Westmoreland county; and said turnpike road shall be so nearly level in its progress that it shall in no place rise or fall more than will form an angle of three degrees with a horizontal line, and to complete the same and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and to do and transact all things that by this act and the by-laws and regulations of the company may be lawful.

SECTION 7. If any person or persons shall be guilty of carrying a ^{Penalty for carrying fire over} lighted segar, pipe, or fire in any manner whatever, on or over said bridge except in a lantern or some vessel secured so that the possibility ^{bridge.} of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket, or other fire works, or who shall discharge any gun, pistol, or other fire arms on or near said bridge, so that said bridge might be fired or injured thereby, he, she, or they so offending shall forfeit and pay to the said company the sum of five dollars for every such offence, to be recovered before any justice of the peace as debts of a like amount are recoverable.

SECTION 8. If any person or persons shall with intent to injure wil- ^{Penalty for in-} fully pull down, cut destroy, break, or remove from said bridge or any ^{juring bridge.} part thereof, any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or to any toll house or other property of the said company appurtenant thereto or erected for the use or convenience of said bridge, or shall wilfully deform or destroy the letters or figures in any list of the rate of tolls affixed in any place for the information of passengers, or impede the passage on or over the said bridge or any part or parts thereof, he, she, or they so offending, shall each of them forfeit and pay for every such offence over and above the damage that is done the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof; and upon conviction in a Court of Quarter Sessions of having done either of the aforesaid injuries wilfully and maliciously, they shall be imprisoned in the county jail not exceeding twelve months, at the discretion of the court.

SECTION 9. When the said bridge and turnpike road company shall ^{Tolls on bridge.} have erected and completed a bridge over the Conemaugh river at the place aforesaid, the property thereof shall be vested in the said company and their successors or assigns; and the said company their successors and assigns are hereby authorized and empowered to erect gates, and demand and receive tolls for passing over said bridge as follows, to wit: For every foot-passenger two cents; for every score of sheep ten cents; for every score of hogs twelve and a-half cents; for every score of cattle thirty cents; for every horse rode, led, or driven, six cents; for every sled five cents for each horse drawing the same; for every sleigh seven cents for each horse drawing the same; for every cart or wagon six cents for each horse drawing the same; for every stage, wagon, or omnibus for carrying passengers, seven cents for each horse drawing the same; and for every carriage for personal accommodation or pleasure under whatever name it may pass, whether with two wheels or with four wheels, nine cents for each horse drawing the same.

SECTION 10. The said company shall construct the turnpike road ^{Subject to act of} hereby authorized in the manner provided and required in "An Act ^{26th January,} regulating turnpike and plank road companies," approved the twenty- 1849.

Toll on road.

sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, and shall have power to enter upon lands and take materials for said bridge and turnpike road, subject to all the provisions and restrictions of said act (so far as they are not inconsistent with the provisions of this act). The said company shall have power to erect gates, and demand and receive tolls for traveling on said road when it is completed; that is to say, for the whole length of said road the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, as follows, to wit: For every score of sheep three cents; for every score of hogs three cents; for every score of cattle seven cents; for every horse rode, led, or driven, two cents; for every sled one and a-half cents for each horse drawing the same; for every sleigh two cents for each horse drawing the same; for every cart or wagon two cents for each horse drawing the same; for every stage, wagon, or omnibus for carrying passengers, two and a-half cents for each horse drawing the same; and for every carriage for personal accommodation or pleasure under whatever name it may pass, whether with two wheels or with four wheels, three cents for each horse drawing the same; and in all cases, on the road or bridge, a mare or gelding, and an ox, an ass, or a mule, to be rated as a horse: *Provided*, That the president, managers, and company may at any time reduce the tolls upon said bridge or turnpike road below the several rates specified in this act: *And provided also*, That no toll shall be demanded at the bridge or on the road from any person attending funerals, churches, or schools, or going to or returning from elections or militia training.

Proviso.

Accounts of to be kept.

SECTION 11. The said president and managers shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge and traveling on said road, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund for repairing or re-building said bridge, and shall on the first Monday of January in each year publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend of profits shall be declared until all the expenses of building the bridge and constructing the turnpike road shall be fully paid.

Declare dividends.

Proviso.

Time of commencement and completion limited.

SECTION 12. If the said company shall not commence the work within three years after the passage of this act, or shall not within seven years thereafter complete either the said bridge or turnpike road, it shall and may be lawful for the Legislature of this Commonwealth to revoke the privileges hereby granted to said company.

Hunting deer with dogs in Clearfield county prohibited.

SECTION 13. That from and after the passage of this act, if any person or persons in the county of Clearfield shall hunt, chase, or pursue with any dog or dogs, with the design to kill or destroy any buck, doe, or fawn, within said county at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they on being convicted thereof shall forfeit and pay for every such offence a sum not exceeding twenty dollars, to be sued for and recoverable with costs before any justice of the peace in the name of the Commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one half of said penalty or fine shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school

Penalty.

district in which the offence has been committed, for the use of the common schools of said district: *Provided*, That this act shall not be so construed as to prohibit the hunting or catching with dogs of deer that have been previously wounded.

SECTION 14. That from and after the passage of this act, if any ^{Killing deer,} person or persons in the county of Clearfield shall kill or destroy any ^{&c., for skins} buck, doe, or fawn, by the aid of dogs or otherwise, for the purpose of ^{prohibited.} procuring the skins alone, leaving or abandoning the carcass to be destroyed or wasted, said person or persons on being convicted thereof shall forfeit and pay for every such offence a sum not exceeding ten ^{Penalty.} dollars; said fine to be recovered and applied as provided in the preceding section of this act.

SECTION 15. That nothing contained in the seventeenth section of the act entitled "An Act authorizing the Governor to incorporate a company to erect a bridge on the river Juniata, at or near Granny's Ripples," shall be held to authorize the erection of a bridge within one mile of any bridge, the structure of which may have been partially destroyed by flood or fire, and which may have been rebuilt or repaired within fifteen years last past. ^{Free bridge in certain cases prohibited.}

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 494.

A N A C T

To incorporate Knoxville, in the county of Tioga, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Knoxville, in the county of Tioga, shall be set apart and be separated ^{Boundaries.} from the township of Deerfield, in said county, and the same shall be, and is hereby erected into a borough, which shall be called "The Borough of Knoxville," bounded and limited as follows: Beginning at a point on the east bank of Troop's creek, forty rods north of the north-east corner of the bridge crossing said creek; thence southerly along the east bank of Troop's creek to its mouth, thence eastwardly along the north bank of Cowanesque to a line between the lot of Augustus Albee and Levi Falkner; thence north along said line to a point forty rods north of the public road; thence westerly on a direct line to the place of beginning on Troop's creek.

Subject to general act relative to boroughs.

SECTION 2. The provisions of the act of the General Assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," are hereby extended to the borough of Knoxville, except so far as the same may be inconsistent with the provisions of this act.

High constable, powers of.

SECTION 3. The high constable of the said borough shall have the power and authority vested by the laws of this Commonwealth in the constables of the different townships in the said county, and shall give bond for the just and faithful discharge of the duties of his office in the manner required of the constables of the different townships in the said county.

School directors to be elected.

SECTION 4. At the first election held in the said borough for borough officers there shall be elected six school directors—two to serve for one year, two to serve for two years, and two to serve for three years, and thereafter two school directors annually. And the said school directors shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this Commonwealth.

Taxable inhabitants to be enumerated.

SECTION 5. The school directors first elected under the provisions of this act, shall immediately after their election cause to be made an enumeration of the resident taxable inhabitants in said borough, and the president of the board of directors shall certify the same to the superintendent of common schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of the distribution to said borough of its share of the State appropriation; and the amount to which the said borough is entitled shall be deducted from the amount to which Deerfield school district in the said county would otherwise be entitled, until after the next triennial enumeration of taxables for school purposes.

Officers to be elected.

SECTION 6. At the first election held in the said borough for borough officers, and thereafter annually, there shall be elected an assessor and a judge and two inspectors to conduct the general and borough elections in said borough, and at such times as are directed by the existing laws of this Commonwealth, an assistant assessor and two justices of the peace.

Qualification of voters.

SECTION 7. The qualifications of voters in the election of burgess and town council shall be those required by the act of General Assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," and the qualifications of voters in the election of all other officers provided for by this law, shall be the same as are required in the election of similar officers in the different townships in said county.

Borough to form a separate election district.

SECTION 8. The said borough shall form a separate election district, and the qualified voters therein shall hereafter hold their general and borough elections at the house of Joseph Weaver, in said borough.

Borough elections, where held.

SECTION 9. The borough elections in said borough shall be held on the third Friday in February of every year, between the hours of nine o'clock, A. M., and six o'clock, P. M., of said day.

Certain indebtedness to be paid rateably by Deerfield township and Knoxville borough.

SECTION 10. Any indebtedness by Deerfield township for the making and repairing of roads or bridges and for the support of paupers, and by Deerfield school district, shall be paid rateably by the proper authorities of the said township and district, and the borough of Knoxville. And any money due or owing to the said township or district shall be divided ratably between the said township and district and the borough of Knoxville.

Borough taxes, &c.

SECTION 11. It shall be lawful for the town council of said borough to assess and collect a tax on all single freemen and inmates resident in

said borough, to be rated according to the provisions of the act to raise and collect county rates and levies; and the said town council shall further have the power and authority to assess and collect on each and every dog owned in said borough a tax in amount not exceeding one dollar, and on every bitch a tax in amount not exceeding three dollars, as they may deem expedient and proper for the use of said corporation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 495.

AN ACT

Erecting parts of Bedford county into a separate county, to be called "Fulton."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Bedford county lying east of the following line, to wit: Boundaries.
Beginning on the line between the States of Pennsylvania and Maryland, at a point where the western boundary line of Bethel township, in Bedford county, intersects said State line, thence north along said township line to the south-eastern corner of East Providence township, thence along the southern line of said township to the top of Ray's hill, thence along the top of said Ray's hill to the line between the townships of East Providence and Wells, in said county, thence along said line to the point where it is intersected by the line between the township of Wells and Broad Top, and thence along said line to the Huntingdon county line, including the townships of Air, Belfast, Bethel, Dublin, Licking creek, Taylor, Thompson, Tod, Wells, and part of East Providence, shall be, and the same is hereby erected into a new county, to be called Fulton.

SECTION 2. That part of East Providence township, situate, lying, and being in the new county of Fulton, is hereby erected into a new township, to be called Brush creek, and the qualified voters thereof shall hold their general, special, and township elections at the house of Mistress Catharine Barton, in said township; and Elijah Barton is hereby appointed judge and John Akers and Noah Barton, jr., inspectors of the elections to be held in October next. Brush Creek township erected.

SECTION 3. That the inhabitants of the said county of Fulton, from and after the first day of September, one thousand eight hundred and fifty, shall be entitled to and at all times thereafter have all and singular the courts, jurisdictions, offices, rights, and privileges to which the in- When act goes into force.

habitants of other counties of this State are entitled by the Constitution and laws of this Commonwealth.

Courts, when held.

SECTION 4. That the several courts in and for the said county of Fulton shall be opened and held in the town of McConnellsburg, at such house therein as may be designated by the commissioners of said county to be elected at the general election in one thousand eight hundred and fifty, until a court house shall be erected in and for the said county, as is hereinafter directed, and shall be then held at the said court house.

Suits to be transferred.

SECTION 5. That all suits and cases which shall be pending and undetermined in the several courts of Bedford county on the first of September, one thousand eight hundred and fifty, where both parties in such suit or suits shall at that time be resident in the county of Fulton, shall be transferred to the respective courts of Fulton county, and shall be considered as pending in said courts and shall be proceeded on in like manner as if the same had been originally commenced in said courts, except that the fees on the same due to officers of Bedford county shall be paid to them when recovered by the prothonotary or sheriff of Fulton county. And the prothonotary of Bedford county shall, on or before the first day of August, one thousand eight hundred and fifty, purchase dockets and copy therein all the docket entries respecting the said suits and cases to be transferred as aforesaid, and shall, on or before the first day of September, one thousand eight hundred and fifty, have the said dockets, together with the records, declarations, and other papers respecting the said suits and cases, ready to be delivered to the prothonotary of Fulton county—the expenses of said dockets and copying to be paid by the said county of Fulton, on warrants to be drawn by the commissioners of Fulton county on the treasurer thereof.

Former taxes, how collected.

SECTION 6. That all the taxes and arrears of taxes levied or which become due within the said county of Fulton before the passing of this act, and all sums of money due to this Commonwealth for militia fines in said county of Fulton, shall be collected and recovered as if this act had not been passed: *Provided always*, That the moneys arising from said county taxes assessed or to be assessed within the limits of the county of Fulton subsequently to the first of September, one thousand eight hundred and fifty, shall from time to time, as the same may be collected, be paid into the treasury of the county of Bedford for the use and benefit of the county of Fulton, until a treasurer shall be elected in the county of Fulton; and the treasurer of the county of Bedford shall keep separate accounts thereof, and pay the same to the treasurer of the county of Fulton as soon as he shall have been elected; and whatever part of said taxes may be assessed after the first day of September, one thousand eight hundred and fifty, may remain uncollected in the county of Fulton at the time of the election of the treasurer thereof, the same shall be collected in the usual manner and paid into the treasury of the county of Fulton.

To be paid into Bedford county treasury.

Treasurer to keep separate books.

Bonds of county officers, amount of.

SECTION 7. That the sheriff, treasurer, and prothonotary, and all such officers as are by law required to give security for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Fulton—before they or any of them shall enter on the duty thereof, shall give sufficient security in the same manner and form, and for the same uses, trusts, and purposes, and in one-half the amount that such officers are obliged by law to give in the county of Bedford.

Duty of officers of Bedford county.

SECTION 8. That the sheriff, coroner, and officers of the county of Bedford, shall continue to exercise the duties of their respective offices as heretofore within that part of Fulton county which before the passing of this act was within the county of Bedford, until similar officers

shall be appointed agreeably to law within the county of Fulton. And the persons who shall be appointed associate judges of the county of Fulton shall take and subscribe the requisite oaths and affirmations of office before the prothonotary of the Court of Common Pleas of the county of Bedford, who shall file a record of the same in the office of the prothonotary of the Court of Record of the county of Fulton.

SECTION 9. That the inhabitants of the county of Fulton shall elect members of Congress, Senators, and members of the House of Representatives, in the same manner and at the same times and places as if this act had not passed; and the return judges of the representative district composed by the counties of Bedford and Fulton, shall meet at the court house in the borough and county of Bedford. Elections.

SECTION 10. That the judges of the Supreme Court shall have like powers, jurisdictions, and authorities, within the said county of Fulton, as by law they are vested with and entitled to have and exercise in other counties of this State; and the said county is hereby annexed to the Middle District of the Supreme Court. Fulton county annexed to Middle district.

SECTION 11. That the county of Fulton shall be annexed to and compose part of the sixteen judicial district of this Commonwealth; and the courts in the said county of Fulton shall be held on the Mondays next preceding the courts in Franklin county, to continue one week at each term if necessary—the first court to be commenced on the Monday preceding the court in Franklin county in January, one thousand eight hundred and fifty-one. Annexed to sixteenth judicial district.

SECTION 12. The certioraries directed to, and appeals from the judgment of any justice of the peace of the said county of Fulton, and all criminal prosecutions which may originate in the said county before the test day hereinafter mentioned, shall be proceeded in as heretofore in the Courts of Common Pleas and Quarter Sessions of the county of Bedford, and all process to issue from the courts of the said county of Fulton returnable to the first term in said county, shall bear test on the last Monday of September, one thousand eight hundred and fifty. Appeals originating before test day to be proceeded in in Bedford county.

SECTION 13. That in all cases when it shall be lawful for the sheriff, jailor, or prison-keeper, of the county of Fulton, to hold in close custody the body of any person in the common jail of said county, if such jail were at this time erected in and for the said county, such person shall be delivered to and kept in close custody by the sheriff, jailor, or prison-keeper of the county of Bedford, who, upon delivery of such prisoners to him or them at the common jail in said county of Fulton, shall safely keep him, her, or them, until they be discharged by due course of law, and shall also be answerable in like manner, and liable to the like pains and penalties, as if the persons so delivered were liable to confinement in the common jail of Bedford county, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoner had been committed to his or their custody by virtue of legal process issued by the proper authority of the said county of Bedford: *Provided always*, That the sheriff of Fulton county be allowed out of the county stock of said county ten cents per mile, as full compensation for every person charged with a criminal offence, which he may deliver to the jail of Bedford by virtue of this act, by orders drawn by the commissioners of Fulton county on the treasury thereof. Prisoners, how kept. Expenses of, how paid.

SECTION 14. That the sheriff, jailor, or prison-keeper, of the county of Bedford shall receive all prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to the fees for keeping them, and also for such allowance as is by law directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed Duty of jailor, &c., of Bedford county.

and paid by the commissioners of the county of Fulton out of the county stock.

Limitation to
13th and 14th
sections.

SECTION 15. That the thirteenth and fourteenth sections of this act shall be and continue in force until the commissioners of Fulton county shall have certified to the court that a jail is erected and ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter approbation signed by them on the records of said county, and from thenceforth it shall be lawful for the sheriff of Fulton county to receive all and every person or persons who may be then confined in the county jail of Bedford county, in pursuance of this act, and convey them to the jail of Fulton county, and to keep them in close custody until they be discharged by due course of law.

Commissioners
to mark boun-
daries.

SECTION 16. That Patrick Donahoe, David Mann, junior, and Andrew J. Fore, be, and they are hereby appointed commissioners to do and perform the duties hereinafter prescribed, to wit : They shall after taking and subscribing an oath or affirmation respectively before a justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity, run and distinctly mark the boundary lines of the county of Fulton, make report of their proceedings with accurate drafts of said county lines, noting thereon the courses and distances as they occur, with such other matters as may serve for explanation, one copy whereof shall be deposited with the prothonotary of the Court of Common Pleas of Fulton county, and one copy in the office of the Secretary of the Commonwealth, on or before the first day of August next: *Provided*, That if either of the said commissioners shall fail to attend at the same time and place which may be agreed upon by said commissioners, to enter upon the duties of their appointment, it shall be lawful for the commissioner or commissioners in attendance to fill such vacancy or vacancies by appointment : *Provided further*, That the commissioners so appointed, shall before entering on the duties of his or their appointment, take and subscribe an oath or affirmation as is prescribed in this section.

Pay of commis-
sioners, &c.

SECTION 17. The said commissioners shall each receive a per diem allowance of two dollars for every day necessarily spent by them respectively in performing the duties enjoined in this act, and for the purpose of enabling said commissioners to fulfil the said duties, they are hereby authorized to employ two chain-carriers and one axe-man at a per diem of one dollar and fifty cents each, which together with the pay of said commissioners shall be paid out of the funds of Fulton county, by warrants drawn by the commissioners of said county on the treasurer thereof.

Sheriff of Bed-
ford to give
notice of elec-
tion.

SECTION 18. That the sheriff of the county of Bedford shall give notice of the election to be held on the second Tuesday of October next, for the election of county officers for the county of Fulton, in the same manner as is directed by the thirteenth section of the act of the second of July, one thousand eight hundred and thirty-nine, entitled "An Act relating to elections of this Commonwealth."

Commissioners
of Bedford
county to fur-
nish list of tax-
ables.

SECTION 19. It shall be the duty of the commissioners of Bedford county, to designate on the list of taxables which they are required by law to furnish to the election officers, the names of the taxables within Fulton county, and within the township which was divided by the formation of Fulton county, and the necessary expenses thereof shall be paid out of the funds of Fulton county, on warrants drawn by the commissioners of Bedford county on the treasurer of Fulton county.

Governor to ap-
point court
officers, &c.

SECTION 20. It shall be the duty of the Governor of this Commonwealth, at some time during the month of July next, to appoint and commission some competent person to fill the offices of prothonotary,

clerk of the several courts, register of wills, and recorder of deeds for said county, who shall be a citizen thereof, and who shall take and subscribe the oath of office, give bond with security to do and perform the duties, and be subject to the same penalties, and be entitled to receive the same fees, as similar officers are under existing laws, and shall keep his office in the vicinity of the spot selected by the commissioners named in the sixteenth section of this act for the seat of justice, and shall continue in office until the first Monday in November, one thousand eight hundred and fifty, or until his successor is duly qualified.

SECTION 21. It shall be the duty of the commissioners first elected in the county of Fulton, to proceed to the erection of county buildings as soon as they or a majority of them shall deem expedient, and said buildings shall be erected upon the lot or lots of ground which may have been selected by the commissioners named in the sixteenth section of this act, or a majority of them, in the said county of Fulton, and they shall also assess, levy, and collect a sufficient sum to defray the expense of erecting such buildings, and for other public or county purposes over and above the eight thousand dollars mentioned in the twenty-sixth section of this act.

County buildings, when to be erected.

Expense of.

SECTION 22. The qualified electors of the county of Fulton shall at the first general election held in said county, at the time and place of electing Representatives, and whenever it becomes necessary for an election under the provisions of the Constitution and laws of this Commonwealth, elect one person to fill the offices of prothonotary, clerk of the Courts of Oyer and Terminer, general Quarter Sessions, and Orphans' Court, register of wills, and recorder of deeds, one person to fill the office of sheriff, one person to fill the office of treasurer, one person to fill the office of coroner, one person to fill the office of commissioner for three years, one for two years, and one for one year, one person to fill the office of auditor for three years, one for two years, and one for one year for said county.

Officers to be elected at first general election.

SECTION 23. All special laws now in force in the county of Bedford which extend or apply to the territory of the county of Fulton, shall be, and remain in full force and virtue in said county of Fulton, and all persons holding office in the county of Bedford, who may reside within the limits of the county of Fulton, shall continue in office as if this act had not been passed.

Laws now in force in Bedford county extended to Fulton.

SECTION 24. It shall be the duty of the Governor of this Commonwealth, on or before the first day of September next, to appoint two competent persons, citizens of said county of Fulton, to be associate judges of the several courts in and for said county, to be commissioned and continued in office according to the terms prescribed by the Constitution and laws of this Commonwealth.

Governor to appoint associate judges.

SECTION 25. In addition to the duties imposed by the sixteenth and seventeenth sections of this act upon the commissioners named therein, they are hereby authorized to receive subscriptions of money and materials towards defraying the expenses of purchasing lots and erecting the public buildings of the county, and also to locate the seat of justice of said county: *Provided however*, That they shall be required to locate it at the place which will pay or secure to be paid the most money towards the erection of the public buildings of said county.

Further duties of commissioners on buildings, &c.

SECTION 26. The citizens of the said county of Fulton shall before the first day of September, one thousand eight hundred and fifty, raise by voluntary subscription at least eight thousand dollars towards the purchase of lots, the erection of public buildings, and the payment of the tax required by the State upon this act, and shall give security for the faithful payment thereof to the said county, in a judgment bond to

Citizens to raise \$8,000.

be signed by three or more of their number, and approved by the commissioners appointed by the sixteenth section of this act, who shall cause said judgment bond to be filed of record. And said commissioners are further authorized and required to contract for the purchase of a lot or lots on which to erect the public buildings, which shall afterwards be conveyed to the county commissioners who may be elected in October, one thousand eight hundred and fifty, and to their successors in office for the use of the said county of Fulton.

Condition.

SECTION 27. If the conditions mentioned in the preceding section be not complied with then this act shall be null and void.

Citizens to vote
on acceptance
of this act.

SECTION 28. The qualified voters residing within the limits of the proposed new county of Fulton, shall meet at their usual place of holding elections in the several districts of said county, on the second Tuesday of June, 1850, and vote for or against the erection of said county as follows: Those who are in favor of the erection of said county shall deposit written or printed tickets labelled "New County," and containing on the inside thereof the words "For Fulton County," and those who are opposed to the erection of said county shall deposit tickets labelled as aforesaid, and containing on the inside thereof the words "Against Fulton County." The said elections shall be held by the judges and inspectors in the several districts of said county, who were elected on the third Friday of March, one thousand eight hundred and fifty, and who are appointed by this act, who shall be severally sworn to perform their duties with fidelity. Notice of said election shall be given by the constables of the several election districts in said county, by at least six written or printed handbills, to be put in the most conspicuous places in each of the said election districts, at least twenty days before the said second Tuesday of June, one thousand eight hundred and fifty. The judges of the several election districts shall meet in the town of McConnellsburg, in said county, on the Friday after said election, and shall carefully add up the returns and make out a copy thereof to be forwarded to the Secretary of the Commonwealth. The officers holding said elections shall receive the usual fees for holding elections, to be paid out of the treasury of Fulton county, if erected, and if not erected then out of the treasury of Bedford county. In case a majority of the votes polled at said election shall be in favor of the county of Fulton, then this act shall be and remain in full force and virtue, otherwise to be null and void.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 496.

AN ACT

To erect Covington, in Tioga county, into a borough, and relative to the appointment of commissioners to examine the transactions and conduct of the Bank of Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Covington, in the county of Tioga, shall be, and the same is hereby Boundaries. erected into a borough, which shall be called "The borough of Covington," bounded and limited as follows: Beginning at the intersection of the north and south lines on the west side of the Rush tract, and east and west lines of Edwin Dyer's land, being the south-east corner of the proposed borough; thence west along said Dyer's land to a post at the intersection of a line on the east side of said Dyer's fifty acre tract on the west side of Tioga river; thence north along said line to post at such point as will include the new village plot of George Corlies; thence east to the Rush tract; thence south to the place of beginning.

SECTION 2. That it shall and may be lawful for all persons entitled Annual election. to vote for members of the Legislature, who shall have resided in said borough ten days previously to such election, to meet at the Covington Hotel in said borough (or such other place as may be hereafter appointed) on the first Friday of June next, and on the third Friday in February annually thereafter, and then and there elect by ballot, between the hours of nine and seven o'clock of the same day, one reputable citizen residing therein, who shall be styled "The Burgess of said borough," and six reputable citizens residing therein, who shall be a town council, and shall also elect as aforesaid one reputable citizen as high constable, also one citizen as constable of said borough, also at Officers. the first election six school directors, two to serve one year, two for two years, and two for three years, and thereafter two school directors annually; but previously to such election the inhabitants shall elect one reputable citizen as judge, two as inspectors, two as clerks of said election, which shall be regulated and conducted according to the general election law of this Commonwealth so far as relates to receiving and Elections, how held. counting votes, and who shall be subject to the same penalties for malpractices as by the said law is imposed. And the said judges, inspectors, and clerks respectively, before they enter upon the duties of their offices, shall take an oath or affirmation before any justice of the peace of said county to perform the same with fidelity; and after the said election shall be closed shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judge and inspectors, whereupon duplicate returns thereof shall be signed by the said judge and inspectors, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation. And in case of death, resignation, removal, refusal to accept, or neglect or refusal to act after acceptance, of any of the said officers, the burgess, or in

case of his death or absence or inability to act, or when he refuses to act, the council shall issue a precept directed to the high constable, or when there is no high constable or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in manner aforesaid, to supply such vacancy, giving at least ten days' notice thereof by advertisement set up at six of the most public places in said borough.

Style.

SECTION 3. That from and after the first Friday in March next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and town council of the borough of Covington," and shall have perpetual succession; and the said burgess and town council aforesaid and their successors shall be capable in law to receive, hold, and possess goods and chattels, lands and tenements, rents, liberties, jurisdiction, franchises, and hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of ten thousand dollars, and also give, grant, sell, let, and assign the same lands, tenements, and hereditaments and rents; by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this Commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter.

Penalty for refusing to fill office.

SECTION 4. That if any person duly elected as burgess or a member of town council or constable, and having received notice thereof as aforesaid, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay a sum not exceeding twenty dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act or of the by-laws or ordinances of the town council, shall be for the use of the corporation.

Officers to take oath.

SECTION 5. That the burgess, town council, and constable, and each of them, before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county to support the Constitution of the United States and of this State, and to perform the duties of their respective offices with fidelity; and the certificate of such oaths or affirmations shall be filed among the said corporation.

Duties of school directors.

SECTION 6. That the school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this Commonwealth.

Power of borough constable.

SECTION 7. That the constable of said borough shall have the power and authority vested by the laws of this Commonwealth in the constables of the different townships in said county; and the constable elected and appointed as aforesaid shall have full power and authority to execute any process directed to the high constable of said borough: *Provided*, Said constable be subject to the same regulations and penalties as are provided and contained in the laws now existing or that may hereafter exist concerning constables in this Commonwealth.

Quorum.

SECTION 8. That it shall be the duty of the burgess and town council, five of whom shall constitute a quorum, to hold meetings from time to time, as occasion may require, at which meetings the burgess shall preside, or in his absence or inability a member pro tem., and enact such by-laws and make such rules, regulations, and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit, and advantage of the said borough, particularly of providing for the regulation of the markets, improving, repairing, and keeping in order and regulating the pavements, streets, roads, lanes, alleys, and high-

By-laws.

ways, ascertaining and determining the depths of vaults, sinks, or pits for necessary houses, and making permanent regulations and rules relative to the foundations of buildings, party-walls, and fences; they shall have power to assess, apportion, and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect. And also to appoint a borough clerk, two persons to act as street or road commissioners, a treasurer, a clerk, and a collector annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time remove for misconduct, neglect, or misdemeanor in office. They shall have power also to revise, repeal, or annul all such by-laws or ordinances as may by experience be found to be unequal, unjust, or unnecessary: *Provided always*, That no by-laws, Proviso. rule, or ordinance of said corporation shall be repugnant to the Constitution or laws of the United States or of this Commonwealth, and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid until ten days have expired after the promulgation thereof in at least one newspaper, if such be printed in said borough, and by twelve advertisements to be put up in the most public places in said borough: *And provided also*, That in assessing such tax due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies.

SECTION 9. That it shall be lawful for the said town council to assess and collect a tax on single freemen and inmates residents in said borough, Borough tax. to be rated according to the provisions of the act to raise and collect county rates and levies; and the said town council shall further have the power and authority to assess and collect on each and every dog and bitch a tax to an amount, not exceeding one dollar for each head, they may deem expedient and proper for the use of the corporation.

SECTION 10. That the burgess or in case of his absence, neglect, refusal, or inability to act, the town council is hereby authorized and empowered to issue his or their precept as often as occasion may require, directed to the collector or high constable as the case may be, commanding him to collect all taxes assessed and fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the burgess is hereby authorized to carry into effect all by-laws enacted by the council and whatever else shall be enjoined upon him for the well ordering and governing the said borough, he shall have jurisdiction in all disputes between the corporation and individuals arising under the by-laws, regulations, and ordinances. Taxes, how collected.

SECTION 11. That the burgess for the time being shall take cognizance, and have all the power, jurisdiction, and authority of justices of the peace within said borough, for the suppression of riots, tumults, and disorderly meetings, for the punishment of vagrants and disorderly persons, as well as in all criminal cases, and in all cases of violations of the provisions of this corporation act, or of the supplements which may hereafter be appended to the same, or of the ordinances of said borough, and shall be entitled to the same fees for like services as justices of the peace are by law entitled to receive; and all attestations made by the burgess with the seal of the corporation, shall be good evidence of the act or thing certified, and for the affixing of the seal to any instrument other than borough purposes he shall receive fifty cents, and his warrant capias or summons directed to the constable or constables may be delivered to execute the same at any place within the county of Tioga. Burgess, power of.

SECTION 12. That in case of neglect or failure to elect borough officers under the provisions of the act of incorporation at any time on Officers to hold till successors are elected.

the day appointed by law, it shall be the duty of the burgess or the town council to give at least ten days' public notice by twelve or more hand-bills put up at the most public places in said borough, for an election to be held at any time within one month next after the day appointed by the aforesaid act, and that the officers of the preceding year shall continue to exercise their duties until said election shall be held and the officers duly elected are qualified.

Court of appeals.

SECTION 13. That the burgess and town council, or any three of them, shall constitute a court of appeal, and prior to the collection of any borough tax they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner at least ten days before the day of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same, and when the said tax shall have been properly adjusted it shall be collected as aforesaid.

Borough clerk, duties of.

SECTION 14. That it shall be the duty of the borough clerk to attend all the meetings of the town council, when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation and be accountable for the same, and also for the faithful discharge of all duties which may be enjoined upon him by virtue of this act or acts of the corporation, and his attestation with the seal of the corporation shall be good evidence of the thing or act so certified.

Treasurer to give bond.

SECTION 15. That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor of all moneys, books, accounts, appertaining thereto, upon demand being made by the burgess or town council for that purpose.

Accounts.

SECTION 16. That the street commissioners, treasurer, constables, and clerk, as well as other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected and of the expenditures.

Penalty for refusing to perform duties of collector.

SECTION 17. That any person who may be appointed collector and refuses or neglects to perform the duties of said office, shall forfeit and pay to the treasurer of said borough a sum not exceeding ten dollars, to be recovered for the use of said borough.

Notice of election to be given.

SECTION 18. That it shall be the duty of the high constable to give notice of the elections by setting up advertisements in at least twelve of the most public places in said borough ten days previously thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, That George Knox, Edwin Dyer, and Ira Patchen, of the said town, or either of them, shall publish and superintend the election to be held on the first Friday in June next, as is hereinbefore directed.

Borough to form a separate school and election district.

SECTION 19. That the said borough shall be a separate election and school district; and the electors thereof shall hold their borough and general elections at the Covington hotel in said borough, or such other places as may be hereafter appointed.

Persons aggrieved may appeal to Quarter Sessions.

SECTION 20. That if any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this act, he, she, or they may appeal to the next Court of Quarter Sessions to be

held for the proper county, upon giving security according to law to prosecute his, her, or their appeal with effect; and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

SECTION 21. That Caleb E. Wright, of the county of Bucks, and Charles R. Bucka'oe, of Bloomsburg, Columbia county, be, and they Commissioners. are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned, to wit: "The said commissioners, or either of them, shall give notice in one or more newspaper printed in Susquehanna county, for two successive weeks, that they or a majority of them will meet at a certain time and place to be designated by them in the borough of Montrose, in the county of Susquehanna, for the purpose of examining into and investigating the concerns of the Bank of Susquehanna County.

SECTION 22. That said commissioners, or either of them, shall have full power and authority to call upon every person or persons whomsoever having charge of the books, journals, records, and documents of the said bank, or the notes, bonds, judgments, mortgages, and accounts, and every other evidence of debt or demand whatsoever, as well those due to as those owing by the said bank, and compel the production thereof either by attachment or otherwise, and to examine into and copy the same or any part thereof. Duties and powers. And for the purpose of ascertaining the manner of conducting the said bank from and at the time of the sale of the capital stock thereof to the time of taking the said examination, the said commissioners shall have full power and authority to call before them as witnesses the directors or officers of said bank, or any of them, or any person who at any time may have been an officer or director of said bank, or any other person or persons, and examine them or any of them on oath or affirmation, touching their knowledge of the transactions of the said bank, or of the directors or officers thereof, or of any other person or persons for them, as well in regard to the manner of subscribing for and the payments of the capital stock of said bank as the subsequent disposal of the same, or whether the whole of said stock was paid in agreeable to the act of incorporation, and generally to examine the said witnesses as aforesaid in regard to any other matter or thing whatsoever which the said commissioners, or either of them, may deem necessary and proper to a full exposition of the conduct of said bank, or the directors and officers, or trustee or trustees thereof, or any other person or persons for them, from the time of its inception to the time of taking such examination, and the reasons of the failure of said bank.

SECTION 23. And the said commissioners, or either of them, shall have full power and authority to commit for contempt, in like manner as the Courts of Common Pleas of this Commonwealth have in similar cases, any person refusing to testify as a witness or make answer to such interrogatories as the said commissioners, or either of them, may deem proper, unless said witness shall state that such testimony or answer would or might criminate himself. May commit for contempt.

SECTION 24. And the said commissioners shall have power to compel the attendance of witnesses before them by subpoena, attachment, or otherwise in like manner as the Courts of Common Pleas of this Commonwealth. Power to compel attendance.

SECTION 25. And the said commissioners, or either of them, shall have power to adjourn from time to time, as they may deem proper, until they shall have finished such examination, and shall make report of their proceedings together with the testimony, or such part thereof as May adjourn.

they may deem proper, to the next Legislature, on or before the third Monday of January next.

Pay of.

SECTION 26. The said commissioners shall be allowed each three dollars per day for every day necessarily spent by them in the said examination, and each witness shall be entitled to the same daily pay and mileage as is allowed in the Court of Common Pleas, the same to be paid, together with the expense of serving process and advertising, on the warrant or warrants of the said commissioners, or either of them (on the oath or affirmation of one or more of them that the same is correct), drawn on the State Treasurer; and for the payment thereof the sum of three hundred dollars is hereby appropriated, or so much thereof as may be necessary to defray the expenses incurred under the provisions of this act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 497.

AN ACT

Relating to the school fund of the township of Lehman, Luzerne county, and for confirming the sale of a tract of land in said township, relative to the United States Insurance Annuity and Trust Company, and to the common schools in Greene county, and for other purposes.

Preamble.

WHEREAS, The proprietors of the township of Lehman, in the county of Luzerne, were the owners of a tract of land containing three hundred and fifty acres, more or less, being lot number thirty-two in certified Bedford, the title to which said tract of land was duly vested in John Ide, of the said township, as trustee for the said proprietors;

And whereas, Also by the consent and at the request of the said proprietors, by a vote duly taken, the said John Ide was directed to convey the same, who accordingly on the twenty-seventh day of November, one thousand eight hundred and forty-eight, granted the same by deed to Robert and Francis Major of the same place; and the said Robert and Francis Major gave their judgment bond to the said John Ide, in trust for the proprietors of Lehman, for the penal sum of twenty-nine hundred dollars, conditioned for the payment of fourteen hundred and fifty dollars, upon which said confession judgment was duly entered in the Court of Common Pleas of Luzerne county, to April term, one thousand eight hundred and forty-nine, number sixty-one, for the aforesaid penalty:

And whereas, Also the proprietors aforesaid desire the fund arising from the sale of the said land to be vested in the directors of common

schools of said township, and their successors in office, for the purposes of education; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a certain deed bearing date the twenty-seventh day of November, one thousand eight hundred forty-eight, from John Ide to Robert and Francis Major, all of the township of Lehman and county of Luzerne, conveying three hundred and fifty acres of land more or less, being lot number thirty-two in certified Bedford, is hereby duly confirmed to the said Robert and Francis Major, their heirs and assigns, as tenants in common, as fully as if the said deed had been made by the said proprietors of Lehman; and that the judgments of record in the Common Pleas of said county, number sixty-one, April term, one thousand eight hundred and forty-nine, for the penal sum of twenty-nine hundred dollars and the costs thereon, in favor of John Ide, trustee of the proprietors of Lehman against the said Robert and Francis Major, is also affirmed and made valid.

Certain deed confirmed.

SECTION 2. Any and all property, whether real or personal, now belonging to the proprietors of the said township of Lehman for school purposes, and particularly the said judgment referred to of number sixty-one, April term, one thousand eight hundred and forty-nine, is hereby transferred to and vested in the directors of common schools of the said township of Lehman and their successors forever for the purposes of education, to be employed in the manner that is now directed or hereafter may be by the laws of this Commonwealth relating to the subject of common schools.

Certain property transferred to directors of common schools.

SECTION 3. Any and all process that may issue out of the said court, either to revive or collect the said judgment, shall be lawful if it be for the use of the directors of common schools of the said township of Lehman, or their assigns: *And provided,* That nothing contained in this act shall in any manner invalidate the lien of the said judgment upon the land owned by the defendants therein at the time of the entry of the same.

Process to be for use of common schools, &c.

SECTION 4. That Stephen R. Crawford, Ambrose W. Thompson, Benjamin W. Tingley, William M. Godwin, A. E. Borie, J. L. Florence, George McHenry, Lawrence Johnson, Paul B. Goddard, J. L. Leonton, and all and every other person or persons who may hereafter become stockholders in the United States Insurance Annuity and Trust Company, be, and they are hereby created and made a body politic and corporate, by the name, style, and title, of "The United States Insurance Annuity and Trust Company;" and the said corporators hereby have full power to fill up the subscription to the stock and organize the company for the purpose of insuring lives upon a mutual principal, whereby the insured shall participate in the profits resulting from the business; and the said body politic and corporate shall further have all the powers and privileges granted to the Equitable Insurance, Life Insurance, Annuity and Trust Company.

Commissioners.

Style.

SECTION 5. That "An Act supplementary to 'An Act to incorporate the Equitable Life Insurance Annuity and Trust Company,'" passed the thirteenth day of February, one thousand eight hundred and fifty, changing the name of the said Equitable Life Insurance Annuity and Trust Company to that of the United States Insurance Annuity and Trust Company, be, and the same is hereby repealed.

Act changing name of Equitable Insurance Company, repealed.

SECTION 6. That so much of the sixteenth section of an act ap-

Age of scholars in common schools regulated. proved the seventeenth day of April, one thousand eight hundred and forty-nine, entitled "An Act for the regulation and continuance of a system of education by common schools, as prevents the admission of scholars over twenty-one years," be, and the same is hereby repealed.

Bedford and Stoystown, and Chambersburg and Bedford Turnpike Road Companies. SECTION 7. That from and after the expiration of terms of the present managers it shall be lawful for the stockholders of the Bedford and Stoystown Turnpike Road Company, and of the Chambersburg and Bedford Turnpike Road Company, to elect five managers at the time and in the manner prescribed by existing laws for the election of managers; and no manager shall hereafter be appointed for either of said companies by the Auditor General, any law to the contrary notwithstanding.

Auditor General to sell stock of State in said companies. SECTION 8. That the Auditor General is hereby authorized and directed to expose or cause to be exposed to public sale in the borough of Bedford, at such time as he may appoint in the month of July or August next, due public notice whereof shall be given in one or more newspapers in the borough of Chambersburg and Bedford, all the stocks held and owned by the Commonwealth in the Bedford and Stoystown Turnpike Road Company, and the Chambersburg and Bedford Turnpike Company, and to sell the same to the highest and best bidder; and upon such sale being made, and the money thereof paid, to transfer and convey the same to the purchaser or purchasers: *Provided*, That such stock shall not be sold for a price less than one dollar per share: *And provided further*, That if any officer of either of said companies shall purchase any of said stocks in the company of which he is a member, the same shall inure to the benefit of such company.

Auditor General to sell stock of State in Birmingham and Elizabeth Turnpike Road Company. SECTION 9. That the Auditor General is also hereby authorized and directed to expose to public sale in the borough of East Birmingham, at such times as he may appoint, the stock of the Commonwealth in the Birmingham and Elizabeth Turnpike Company, and convey the same to the purchaser or purchasers thereof: *Provided*, That such stock shall not be sold at a less price than one dollar per share.

Purchase money, how paid. SECTION 10. That it shall be the duty of the purchaser or purchasers of said stock or any part thereof, to pay the purchase money to be paid for such stock to the State Treasurer of this Commonwealth within thirty days from the date of said purchase, who shall receipt for the same, and upon the production of such receipt before the Auditor General, he shall transfer the stock or stocks so sold according to the terms of this act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 498.

A N A C T

To incorporate the First Baptist Church of Lewisburg, Union county, Pennsylvania, relative to railroads and canals in Mifflin county, to a certain lot of ground in Germantown township, Philadelphia county, and to road and bridge viewfers in Cumberland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons constituting the First Baptist Church of Lewisburg, Union county, holding the doctrines set forth in their articles of faith and covenant (known as the New Hampshire Confession) published in the "Encyclopædia of Religious Knowledge," be, and are hereby constituted a body politic and corporate by the name of "The First Baptist Church of Lewisburg, Union county, Pennsylvania," and by the same name shall have perpetual succession, and be able to sue and to be sued in all courts of law and elsewhere, and shall be able and capable to take and hold the house of worship and other property now belonging to said church, together with all lands, tenements, and other possessions which may hereafter become the property of this corporation, and the same to grant, sell, and dispose of, under the restrictions hereinafter mentioned : *Provided,* That the clear yearly income from the property of this corporation shall not exceed five thousand dollars.

Style.

Privileges.

SECTION 2. The property of this corporation shall be held and its secular business transacted by a board of trustees not more than seven or less than five in number, two only of whom may be persons not communicants of the church aforesaid, but all of whom shall be pew-owners in the house of worship : *Provided,* That said trustees shall hold and manage the property of this corporation exclusively, and forever to promote the ends of religious worship and other benevolent and religious ends, as the same may be specified, provided for, and controlled by the communicant members of said church in their ordinary church capacity.

Board of trustees, duties of.

SECTION 3. The said trustees shall be elected by the majority of voters present at the annual meeting to be held on the second Monday of August in each year, notice of the place and time of such meeting having been publicly given in said house of worship on at least two Lord's days next preceding; and the persons entitled to vote at such election shall be the male communicants of full age in said church, together with all others being pew-owners who are not in arrears for dues to this corporation. The trustees so elected shall hold their office for one year or until others are chosen, and shall have power to fill vacancies occasioned by death, resignation, or otherwise : *Provided,* That James Moore, Jr., I. G. Lawshe, O. N. Worden, G. F. Miller, S. S. Barton, S. T. Walker, and S. J. Cresswell, shall be trustees of this corporation until others are elected as hereinbefore prescribed.

Trustees, how elected.

SECTION 4. The board of trustees shall proceed after each election to choose out of their own number a president and a secretary, and out of the corporation a treasurer, who shall be required to give sufficient security for the faithful discharge of his duties; and they shall at the next annual meeting make a faithful report of their proceedings during

Board of trustees, how organized.

the year and of the affairs of the corporation, and the books of the board shall be opened at any reasonable time for the inspection of any member of the corporation.

Special meet-
ings.

SECTION 5. Special meetings of this corporation shall be called at any time by any member of the board of trustees, at the written request of a majority of said board, public notice of such meeting having been given in the house of worship aforesaid on at least one Lord's day next preceeding.

Trustees may
rent or sell
pews.

SECTION 6. The said trustees shall have power to rent or sell, and convey in fee simple the pews in the house of worship belonging to this corporation, and to execute and deliver deeds for the same according to a plan or plot of said house to be filed in the Register and Recorder's office at New Berlin; and the owners of pews thus purchased may sell and convey the same to others, to be used forever for the purpose of religious worship as prescribed and provided for by the communicant members of the church aforesaid in their ordinary ecclesiastical capacity: *Provided*, That the first moneys arising from the sale of said pews shall be applied to discharge the debts now standing against said church.

Real estate can-
not be encum-
bered without
consent of pew
owners.

SECTION 7. The trustees of this corporation shall never have power to sell, mortgage, transfer, or in any way encumber said house of worship or other property without having obtained the written consent of the owners of two-thirds of the pews sold; and also an act authorizing such sale, transfer, mortgage, or other transaction, passed by a majority of the communicants of said church present at a church meeting duly called for this purpose; said trustees may, however, lay a tax or assessment on said pews for the preservation and repair of said property or for the maintenance of religious worship, as hereinbefore specified in sections second and sixth: *Provided*, Such tax or assessment for such purpose shall have been duly authorized at an annual meeting of this corporation by a vote of the owners of at least three-fourths of the sold pews represented, and said tax or assessment then to constitute a lien on said pews, which may be enforced in any case after failure to pay for one year by the sale of the taxed pew or pews: *Provided*, That if there should be an overplus after paying the assessment due and costs of sale, that the same be paid over to persons as whose property the pew was sold on demand made.

Seal.

SECTION 8. This corporation may adopt and employ a common seal as the same is done by similar corporations.

By-laws.

SECTION 9. This corporation may at any annual meeting, by a vote of a majority of persons present qualified to vote as above in section third prescribed, *adopted* and enforce any by-laws not inconsistent with this charter, which may be deemed useful for carrying out the objects of this corporation.

Court of Quar-
ter Sessions
may change lo-
cation of streets,
&c., when rail-
roads may be
constructed in
boroughs.

SECTION 10. That in all cases where canals and railroads may be located through towns and boroughs in the county of Mifflin, and passing through lanes, streets, or alleys, it shall be lawful for the Courts of Quarter Sessions of said county to appoint viewers to lay out, vacate, or change lanes, streets, or alleys, with like effect as if the same had been so laid out by the original proprietor of such town or borough, and that said viewers shall have power to assess damages: *Provided*, That a report of said viewers shall be confirmed by the Court of Quarter Sessions of said county.

Preamble.

Whereas, William Shippen, by indenture bearing date the eleventh day of May, one thousand eight hundred and three, recorded at Philadelphia, in deed book E F., number twenty-four, page five hundred and

eighty-nine, granted and conveyed unto George Sorber, his heirs and assigns, all that certain lot or piece of land situate in Germantown township, in the county of Philadelphia, and bounded as follows, to wit: Beginning at a corner in the line of Henry Fraley's land, thence by land intended to be granted by William Shippen to John Butcher, south thirty-nine degrees thirty minutes, west forty-one perches and nine-tenths, to the north-easterly side of the road commonly called Roxborough township line road, thence by the said side of said road south forty-one degrees forty-five minutes, east four perches and one-tenth to a corner of the said William Shippen's other land, thence by the same north thirty-nine degrees thirty minutes, east forty-two perches and five-tenths to said Henry Fraley's line, thence by the same north fifty-three degrees, west three perches and seventy-six one-hundredths of a perch to the place of beginning, containing one acre of land: *And whereas*, The said George Sorber, a short time thereafter died so seised of the said lot of land intestate, leaving a widow named Margaret, but no known kindred: *And whereas*, The said Margaret afterward intermarried with ——— McCaslin, and having survived him, by indenture bearing date the third day of May, one thousand eight hundred and eight, recorded at Philadelphia, in deed book E F., number thirty, page forty-five, &c., granted and conveyed the said lot of land unto Benjamin Say, of the city of Philadelphia, physician, his heirs and assigns: *And whereas*, By divers mesne conveyances and assurances in the law duly had and executed, the said lot land is now vested in the said Anna Maria Wolbert and her heirs:

SECTION 11. That all the right, title, and interest of this Commonwealth by escheat of, in, and to the said lot of land above described, be, and the same is hereby released to the said Anna Maria Wolbert, her heirs and assigns. Certain escheated property declared in favor of Anna Maria Wolbert.

SECTION 12. That hereafter the number of road and bridge viewers to be appointed by the Court of Quarter Sessions of the county of Cumberland shall be three; and every view and review shall be made by the whole number of viewers so appointed, a majority of whom shall concur in their report, in order to its confirmation by the court. Road and bridge viewers in Cumberland county, relating to.

SECTION 13. The viewers so appointed shall have power to decide upon and fix the width of the road viewed or reviewed by them, and shall report the same to the aforesaid court. Powers of viewers.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

499.

A N A C T

To incorporate the Odd Fellows' Hall Association of Moyamensing, in the county of Philadelphia.

- INCORPORATE.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Francis Clinton, Samuel K. Ashton, George E. Murray, William J. Reed, John S. Thackray, William Allen, Thomas M. M'Kiever, Alexander W. Reed, John Hill, Robert Selfridge, Robert M'Menamin, William S. Andrews, and Ralph Robson, and their successors, and all persons who now are or may be hereafter associated with them, be, and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style, and title, of "The Odd Fellows' Hall Association of Moyamensing," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all the courts of law or equity within this Commonwealth and elsewhere; and also to be able to take and hold to them and their successors either by gift, grant, devise, or lease, any lands or real estate for the use of the said association, any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise, or bequest from any person or persons whatsoever, capable of making the same; and the same at their pleasure to grant, bargain, and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed of shall not exceed the clear yearly income of two thousand and five hundred dollars: *And provided also*, That the certificates of stock and certificates of loan already issued or to be issued by the persons, and for the purpose hereinafter mentioned, shall be assumed by the said "The Odd Fellows' Hall Association of Moyamensing," who shall pay the interest now due or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable. The liability of the said association for the payment of the said interest and the redemption of the said certificates to be the same as if they had been issued by the said association in virtue of law.
- STYLE.**
- PRIVILEGES.**
- PROVISO.**
- MAY ERECT HALL.** SECTION 2. The object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the district of Moyamensing and county of Philadelphia, for the accommodation of such lodge or lodges of Odd Fellows or other associations or societies as may apply, and for such other purposes as they shall deem proper.
- BOARD OF TRUSTEES TO BE ELECTED ANNUALLY, POWERS OF, &c.** SECTION 3. The government of the Odd Fellows' Hall Association of Moyamensing, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually by ballot by the stockholders, who shall serve until their successors are elected. A majority of the whole number of votes polled shall

constitute a choice. And in the event of a failure to elect any of the said trustees at any regular election, or in case of death, resignation, or inability to serve, growing out of any other cause, there shall be a vacancy or vacancies in the board of trustees, then and in such cases special election shall be held on five days' notice of the same in any daily newspaper of the city and county of Philadelphia, by the president and secretary of the said board of trustees; and the said board of trustees shall at their first meeting after their election, annually choose one of their number as president, and also shall choose a secretary, treasury, and such other officers as the business of the corporation may require, and allow to each of them such reasonable compensation as they may from time to time deem proper: *Provided*, That the trustees and officers now managing the affairs of the Odd Fellows' Hall Association of Moyamensing shall continue as trustees and officers of the corporation hereby created till the regular election shall be held as hereinbefore provided.

SECTION 4. That it shall and may be lawful for the said corporation Seal. to have a common seal and the same at will and pleasure, to change, alter, and renew as they may think proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

SECTION 5. The said corporation shall have power and authority to By-laws. make by-laws conformable to this charter, and not in violation of the laws of the United States or of this Commonwealth.

SECTION 6. That the Legislature hereby reserves the right to alter, Repeal. revoke, or annul the charter of the said the Odd Fellows' Hall Association of Moyamensing, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 500.

AN ACT

To incorporate the Crystal Spring Hall Association, and to empower Anna Victoria Keller, one of the heirs of Emanuel Keller, deceased, to sell and convey a certain lot of ground in the borough of Mechanicsburg, Cumberland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Incorporate.	Thomas Wickersham Doyle, P. Hazleton, Christian Shelly, Michael Kister, Joseph Wickersham, Isaac Frazer, Samuel Beck, Joseph G. Starr, and Thomas Ensminger, and their successors, and all persons who are now or may hereafter associate with them, be, and they are hereby created and erected into a body politic and corporate in deed
Style.	and in law, by the name, style, and title, of "The Crystal Spring Hall Association," and by that name shall have perpetual succession, and be
Privileges.	able to sue and be sued, plead and be impleaded in any court of law or equity, and shall be able and capable in law and equity to take and hold to them and their successors, either by grant, gift, devise, or lease any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of the said association any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of the said association, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being and due management of the affairs of the said association: <i>Provided</i> , That the real estate of which the said corporation shall be at any time possessed shall not exceed the clear yearly value of two thousand dollars.
Proviso.	
May erect hall.	SECTION 2. The object of the said corporation shall be to build, erect, or purchase, provide, and furnish a hall or suitable buildings in the borough of Lewisberry, county of York, for the accommodation of Crystal Spring division, number two hundred and sixty-six, of the Sons of Temperance, and other benevolent societies, and also for a library and reading room.
Seal.	SECTION 3. It shall and may be lawful for the said corporation to have a common seal and the same at will and pleasure, to change, alter, and renew as they shall think proper, and shall have and exercise all the rights, privileges, and immunities, necessary for the purposes of the corporation hereby constituted and as herein expressed.
Board of trustees to be elected annually.	SECTION 4. The government of the said corporation and the management and disposition of its affairs and property, shall be vested in a board of trustees who shall be elected annually at such time and in such manner as the said association shall by its by-laws provide at the first meeting of the trustees; after their election in each year they shall elect from their body a president, secretary, and treasurer.
By-laws.	SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this Commonwealth.
Repeal.	SECTION 5. The Legislature hereby reserves the right to alter, revoke, or annul the charter of the said Crystal Spring Hall Association, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.
Anna Victoria Keller authorized to sell certain real estate.	SECTION 7. That after the passage of this act Anna Victoria Keller, one of the heirs of Emanuel Keller, deceased, is hereby empowered to sell and convey a certain lot of ground in the borough of Mechanicsburg, the only property owned by said heirs in said borough, and pay to the remaining heirs their pro rata share of the same.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, A. D., one thousand eight hundred and fifty.
WM. F. JOHNSTON.

No. 501.

A N A C T

To incorporate the town of Summitville, in the county of Cambria, into a borough, to construe the first and third sections of the act to encourage manufacturing operations in this Commonwealth, and relative to the claim of Austin Thompson for damages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Summitville, in the county of Cambria, shall be and the same is hereby erected into a borough, which shall be called "The Borough of Summitville," and shall be bounded and limited as follows: *Boundaries.* Beginning at a post on the northern side of the Allegheny Portage railroad below the engine house, at plane number five on said road, and running thence north forty-five degrees, west forty perches to a post; thence north ten degrees, east fifty-two perches to a post; thence north sixty-five degrees one hundred perches to a corner; thence south forty-five degrees, east fifty-six perches to a post; thence south twenty degrees, west one hundred perches to a post; thence south sixty degrees, west eighty perches to a corner; and thence north thirty-three degrees, west twenty perches to the place of beginning.

SECTION 2. That the inhabitants of the said borough, entitled to vote for members of the General Assembly, having resided within the bounds of said borough at least ten days immediately preceding the election, shall on the third Saturday of May next, and on the first Friday of March in every year thereafter, meet at the school house in said town, and then and there between the hours of one o'clock and seven o'clock in the afternoon, elect by ballot one citizen, who shall be styled the burgess of said borough, and five other citizens to be members of the town council; and at the first election three school directors—one to serve for one year, one for two years, and one for three years; and thereafter one school director annually, and one person to be constable of said borough, whose names shall be returned to the next Court of Quarter Sessions for the like persons as in elections of township constables. The said inhabitants shall also at the same time and place elect two justices of the peace, judge, and inspectors of elections and assessors, agreeably to the laws of this Commonwealth. The said elections shall be conducted in the same manner as is provided for the election of township officers of this Commonwealth, except that the certificates of the election of burgess and town council and school directors shall be filed among the records of the corporation: *Provided,* *Annual election.* That the first election to be held under this act shall be held by a judge and inspector, to be chosen by the inhabitants present at the opening of the election by the constable of the township of Washington, who is hereby required to attend at the said school house on the third Saturday of May next, at one o'clock, for that purpose, and to give at least ten days' previous notice of said election.

SECTION 3. That from and after the said third Saturday of May next, the burgess and town council, duly elected, and their successors, shall be one body politic and corporate, by the name, style, and title,

Style.	of "The Burgess and Town Council of the Borough of Summitville," and shall have, possess, and enjoy all the rights, liberties, franchises, and privileges of a borough incorporated in pursuance of the act passed the first day of April, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs;" and the several provisions of said act so far as the same are not inconsistent with this act, shall extend to and be in force within said borough as fully as if the said borough had been incorporated agreeably to the provisions thereof.
Subject to provisions of general act relating to boroughs.	
Burgess, &c., to have care of the poor.	SECTION 4. The burgess and town council of said borough shall have the care of the poor of said borough, and all the powers and duties of overseers of the poor shall be exercised and performed in such manner and by such persons as they may ordain.
Borough constables, duties of.	SECTION 5. The constable of said borough shall perform the duties of high constable therein until otherwise provided. The burgess and town council may authorize the election or appointment of a high constable, if they deem it expedient.
School directors.	SECTION 6. The school directors elected under this act shall perform the duties and have the like powers in all respects as school directors elected agreeably to the general laws of this Commonwealth.
Separate school district.	SECTION 7. The said borough shall be a separate school district, and shall be entitled to all arrearages of taxes levied on property within the same, and not specifically appropriated prior to the passage of this act. And the school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this Commonwealth.
General manufacturing law construed.	SECTION 8. That the first and third sections of an act entitled "An Act to encourage manufacturing operations in this Commonwealth," approved April seventh, one thousand eight hundred and forty-nine, shall be so construed that it shall not be deemed necessary for each person holding stock to sign and acknowledge the certificate required by the said sections, but that it shall and may be lawful for the directors of any such company to sign and acknowledge before some officer competent to take acknowledgments of deeds, the said certificate in writing, required by the provisions of the said first and third sections (which certificate shall also contain the names of all the stockholders of the said company), and such certificate executed as aforesaid shall be held and deemed to be as valid and effectual to all intents and purposes as though each person holding stock in such company had signed and acknowledged such certificate.
Claim of Austin Thompson, Auditor General to examine.	SECTION 9. That the Auditor General be, and he is hereby authorized and required to examine the claim of Austin Thompson, for damages done to his mill dam in December, one thousand eight hundred and forty-seven, by the superintendent of the Allegheny Portage railroad, in re-building the viaduct across the Mountain branch of the Conemaugh, and report the facts to the next Legislature.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 502.

AN ACT.

To erect a part of Upper Salford township, Montgomery county, into a separate school district, to be called "The Old Goshenhoppen school district," to incorporate the Susquehanna and Union Bridge Company, relative to certain election districts in the counties of Mercer, Clearfield, and Washington, to certain school districts in the counties of Columbia and Chester, and to the appointment of an additional commissioner to settle the affairs of the Lehigh County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the township of Upper Salford, in the county of Montgomery, as shall be contained within the following boundaries or lines, to wit: Boundaries. Beginning at the Swamp creek bridge, near Sumneytown, thence south-eastwardly along the Skippack and Sumneytown road to the intersection of said road and the North Wales road, thence south-eastwardly along the North Wales road to the north-east corner of Charles Gable's land, thence by the several courses and distances round said Charles Gable's land, including the same, thence south-westwardly to the north-east corner of Abraham Rowdebush's land, thence north-eastwardly to the north corner of Michael C. Boyer's land, thence south-eastwardly to the north corner of Tobias Cressman's land, thence south-eastwardly to the north corner of Henry Dettera's land, thence south-eastwardly to the north corner of Jacob K. Smith's land, thence south-eastwardly to the north corner of Samuel R. Smith's land, thence south-eastwardly to the north corner of Jesse Hildebeitle's land, thence south-eastwardly and south-westwardly to the said Skippack and Sumneytown road, thence south-eastwardly along said road to the intersection of a road leading from said road to the Trappe, thence south-westwardly along said road to the southern corner of John Kalb's land, thence north-westwardly to the southern corner of Gotshall H. Gotshall's land, thence north-westwardly to the southern corner of John Groff's land, thence south-westwardly to the Perkiomen creek, thence north-westwardly along said creek, on the township line, to the Swamp creek, thence north-eastwardly along said creek, on the township line, to the place of beginning, shall hereafter be a separate school district, and be known and called by the name of "The Old Goshenhoppen school district;" and the qualified electors within said district are hereby authorized to elect school directors in the manner prescribed by the act of Assembly passed seventh day of April, one thousand eight hundred and forty-nine, and subject to all the duties and requirements enjoined by said act. Old Goshenhoppen school district erected.

SECTION 2. That Christian Albert, Peter Bixler, Edward Y. Bright, Alexander Jordan, Jacob Reaker, D. Montgomery Boyd, William H. Marshall, William L. Dewart, John B. Trevor, William L. Helfenstein, and Bertram H. Howell, be, and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in two newspapers, one printed in the county of Northumberland and one printed in the county of Commissioners.

Union, of the time and place when and where subscriptions shall be received.

SECTION 3. When three hundred shares are subscribed, the persons holding the same are hereby created and incorporated into a company by the name, style, and title, of "The Susquehanna and Union Bridge Company," and by that name those who have subscribed and those who may hereafter subscribe, shall have succession with all the privileges and franchises incident to a corporation, and as such shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge or fulfil the intent of this act, and for purchasing and holding to them or their successors such lands, tenements, hereditaments, and estates, in fee simple as *may necessary* for the erection and use of said bridge, and the same to sell and dispose of at their pleasure, and of suing and being sued, impleading and be impleaded, in all courts of law.

SECTION 4 That the capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of twenty dollars each; and the subscribers to the same shall pay the sum or sums of money for the shares by them held respectively or subscribed, at such periods and in such instalments as the directors of said company may order and determine. And as soon as three hundred shares of said capital stock shall be subscribed, the said commissioners shall give notice in the newspapers aforesaid of the time and place for the meeting of the stockholders, who shall at such meeting proceed to organize the said company and shall choose by ballot in person or by proxy one president, five directors, and one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be duly appointed; and the said president and directors may make by-laws for the regulation and management of said company consistent with the laws of this Commonwealth, and shall fix upon the site or location for the said bridge. The stockholders shall meet on the first Monday in May in every year, at such place as shall be fixed on by the president and directors for the purpose of electing officers for the ensuing year; and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificate shall be transferable at the pleasure of the holder in person or by attorney, subject to the payment of any balance that may be due thereon, in such manner as may be directed by the by-laws. The president and directors shall meet at such times and places as shall be agreed on for the transaction of business, any four of whom shall form a quorum at such meeting, and accurate minutes of the business transacted at such meetings shall be kept by them. The said company shall have the power and authority to construct and erect a bridge across the Susquehanna river at any point within five miles below the mouth of the Mahanoy creek, and to appoint engineers, artists, superintendents, and agents, and to fix their salaries and to make and lay down railway tracks on said bridge for the passage of railroad cars and locomotive engines.

SECTION 6. When a good and complete bridge shall have been erected over said Susquehanna river at the place aforesaid, the said company may demand and receive toll from travelers and others using and crossing the same, at such rates as the president and directors shall from time to time determine, a list of the rates whereof shall be put up and

kept up in some conspicuous place at each end of said bridge: *Provided*, That the said bridge shall be so constructed as not to injure or obstruct in any manner the navigation of the Susquenana river.

SECTION 7. The president and directors of said company shall keep *Accounts.* a just and fair account of all moneys received and expended by them under this act, an account whereof shall be submitted to the stockholders whenever they may require it, and shall keep just and true accounts of all tolls received for using and crossing the said bridge, and shall make and declare a dividend of the net profits and income thereof among the stockholders of said company in proportion to the number of shares by them held respectively, notice whereof shall be given and of the time and place when and where the same shall be paid, and they shall cause the same to be paid accordingly: *Provided*, That no dividend of profits shall be declared until all the expenses of building and constructing the said bridge shall be fully paid.

SECTION 8. That if any person shall wilfully cut, break, destroy, or remove from said bridge any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or shall otherwise wilfully or maliciously damage the same, he, she, or they so offending shall be deemed guilty of a misdemeanor, and shall upon conviction forfeit and pay for every such offence the sum of twenty dollars, and shall be imprisoned in the county jail not less than three nor more than twelve months, at the discretion of the court. *Penalty for injuring bridge.*

SECTION 9. That the township of Jefferson, in the county of Mercer, is hereby erected into a separate election district, and the qualified voters thereof shall hold their general and township elections at the school house near Robert Fruits' in said township; and Andrew Law is hereby appointed judge, and Adam George and William W. Pearson are hereby appointed inspectors, or such of them as shall be necessary to fill vacancies in said offices, to hold the first general and township elections in said township. *Jefferson township, Mercer county, erected into a separate election district.*

SECTION 10. That the township of Delaware, in the county of Mercer, be, and the same is hereby erected into a separate election district; and the qualified electors thereof shall hold their general and township elections at the school house in the village of Hamburg in said township; and M. B. Krumm is hereby appointed judge, and Richard Rezner and William Dickey are hereby appointed inspectors, or such of them as may be necessary to fill vacancies, to hold the first general and township elections in said township. *Delaware township, Mercer county, erected into a separate election district.*

SECTION 11. That after the passage of this act, the citizens of Roaring Creek and Beaver townships, in Columbia county, shall have the privilege of holding three or six months' school in each year; and the taxes assessed for school purposes shall be collected by the township collectors, or any competent person who may be appointed by the school directors of said townships. *Columbia county, Roaring Creek and Beaver townships, relating to schools in.*

SECTION 12. That the qualified electors of the township of Woodward and county of Clearfield, shall hereafter hold their township and general elections at the house of Daniel Higleys, in said township. *Clearfield county, Woodward township, place of holding elections.*

SECTION 13. WHEREAS, The West Vincent School District, in the county of Chester, failed to receive out of the State appropriation the amount to which said district was entitled for the year one thousand eight hundred and forty-nine, by the sum of thirty-four dollars and eighty-three cents, in consequence of an error in the last triennial return of the commissioners of said county, of the resident taxable inhabitants in said district, made to the superintendent of common schools; therefore,

Be it further enacted, That the superintendent of common schools

in drawing his warrant on the State Treasurer for the amount to which the West Vincent School District, in the county of Chester, will be entitled the present year out of the State appropriation for common schools, shall add thereto the amount to which the said district would have been entitled to receive, additionally, upon the corrected assessments, since made out, of the appropriation for the year one thousand eight hundred and forty-nine, to wit: The sum of thirty-four dollars and eighty-three cents.

Washington
county, Morris
township, place
of holding elec-
tions in.

SECTION 14. From and after the passage of this act, the qualified voters of Morris township, Washington county, shall hold their general and township elections at the house of T. D. Minton, in Wallaceville, in said township.

Lehigh County
Bank, additional
commissioner
appointed.

SECTION 15. That Henry C. Longnecker be, and he is hereby appointed an additional commissioner to settle the affairs of the Lehigh County Bank, who in conjunction with James S. Rees is hereby authorized and empowered to do and perform all the duties as provided in the fourth section of an act entitled "An Act for the relief of certain citizens of the borough of Allentown, Lehigh county, relative to the Kensington Gas Company, and relative to the road laws in certain townships in Susquehanna county, the appointment of a commissioner to settle the affairs of the Lehigh County Bank, and authorizing the Bank of Kentucky to hold certain real estate," passed the tenth day of April, one thousand eight hundred and forty-nine.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 503.

A N A C T

To incorporate the Girard Avenue Schuylkill Bridge Company over the river Schuylkill, at the foot of said avenue.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That for the purpose of erecting a bridge over the river Schuylkill, at or near the foot of said Girard Avenue, William D. Kelly, Owen Jones, Philip M. Price, William Esher, Abraham Olwine, Jesse George, William L. Hirst, George Sharswood, Henry Seybert, Charles H. Fisher, Jacob Stattelmann, Joseph L. Hancock, Samuel Ogden, Hugh Clarke, George M. Stroud, Francis D. Mower, Nathan Nathans, Mathew W. Thompson, Jacob Keechline, Francis M'Cormick, Alexander Cum-*

mings, John Rice, S. B. Fullerton, William Chapman, Robert Lindsay, Jacob Dowler, Joseph Lipincott, George W. Ash, and Jacob Peters, of the city and county of Philadelphia, and of Montgomery county, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first Monday of May next procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers and company, to erect a bridge over the river Schuylkill at or near the foot of Girard avenue, for the use of said company, the sum of twenty-five dollars for each share of stock set opposite our names respectively, in such manner and proportions and at such times and places as shall be determined by the president and managers in pursuance of an act of the General Assembly of this Commonwealth, entitled 'An Act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill at or near the foot of Girard avenue,' witness our hands

Form of subscription.

of one thousand eight hundred and fifty," and shall thereupon give notice in two newspapers in the city of Philadelphia, for one calendar month at least, of the time and places when and where

Notice to be given.

such book or books shall be opened to receive subscriptions for the stock of said company, at which time and place some one or more of said commissioners shall attend and shall keep open said book or books at least six hours every day for three juridical days, if so many shall be necessary, and allow any one of the age of twenty-one years or more to subscribe therein in his own name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares of said stock, until one thousand shares of said stock shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and place as they shall think necessary, and give such further notice as they shall think proper; and when the subscriptions shall amount to one thousand shares as aforesaid, the book shall be closed: *Provided always*, That every person or persons offering to subscribe in said book or books in his own name or in the name of any other person, shall at the time of subscribing pay two dollars to the attending commissioner or commissioners on every share so subscribed; out of which money shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen as hereinafter directed.

Proviso.

SECTION 2. When five hundred shares of said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each to the Governor, and thereupon it shall and may be lawful for the Governor by letters patent under his hand and seal of the State to create and erect the subscribers, and if the subscriptions be not full at the time then also those who shall subscribe thereafter, into one body politic and corporate in deed and in law, by the name, style, and title, of "The president and managers and company of the Girard Avenue Schuylkill Bridge Company," and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing and holding to them and their successors and assigns,

Letters patent.

Style.

Privileges.

and of selling, transferring, and conveying in fee simple or any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic or corporate may lawfully do: *Provided*, The capital stock of said company shall at no time exceed one hundred thousand dollars, and that they shall not exercise any banking privileges.

Organization.

SECTION 3. The first five persons named in the letters patent as soon as conveniently can be after the granting of the same, shall give notice in two or more of the public papers of the city of Philadelphia, of a time and place by them appointed, not less than fifteen days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize said corporation, and shall by a majority of votes of said subscribers present by ballot to be delivered in person, elect one president, six managers, one treasurer, who shall serve until other officers shall be lawfully chosen as hereinafter directed, and make such rules, orders, regulations, and by-laws not inconsistent with the laws of this Commonwealth as shall be found necessary for the well ordering of the said company, and generally to have all the powers, authorities, and privileges necessary for erecting, maintaining, and keeping in repair the said bridge.

Officers.

Meeting of stockholders.

SECTION 4. A public meeting of the stockholders shall be held annually at such time and places as shall be fixed by the rules and by-laws of said company, for the purpose of choosing officers for the ensuing year and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election or in determining any question arising at any meeting, whatsoever number of shares he may be entitled to; and that every person shall be entitled to one vote for every share under four shares, and one vote for every two shares under ten shares and over four shares, and one vote for every five shares over ten to ten votes and no more.

Proviso.

Certificates of stock.

SECTION 5. The president and managers shall procure certificates of stock in said company, which shall be signed by the president and countersigned by the treasurer and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held by paying to the treasurer in part for the sum due thereon five dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney duly authorized in the presence of the president or of the treasurer for the time being, subject, however, to the payment due or growing due thereon; and the person to whom the transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

Managers, duties of.

SECTION 6. The said managers shall meet at such time and place and be convened in such manner as shall be prescribed by the by-laws, at which meeting a majority shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their proceedings and transactions duly inserted in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages or at their discretion make contracts for the erection or construction of the same or any part thereof; they shall also determine the time, manner, and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills, for work or materials or on account of contracts, which orders

shall be signed by the president or in his absence by a majority of a quorum, and countersigned by the clerk, and also to do all matters and things as by this act or the by-laws of the said company shall be committed to them.

SECTION 7. If any stockholder, after thirty days' notice in two newspapers in the city of Philadelphia, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per centum per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace or before any court of competent jurisdiction. Forfeiture of stock.

SECTION 8. Whenever it shall appear to the said president, managers, and company at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of said meeting so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed. Stock may be increased.

SECTION 9. When a safe passage may be had across the said bridge the property shall be vested in the said company, their successors and assigns forever. And the said company and assigns are hereby empowered to erect gates, and demand and receive tolls not exceeding the following rates, to wit: For every score of sheep six cents; for every score of hogs ten cents; for every score of cattle twenty-five cents, and so for a greater or less number; for every horse or mule three cents; for every horse and rider four cents; for every foot-passenger one cent; for every sulkey, chair, or chaise with one horse and two wheels ten cents; for chariot, coach, phaeton, or chaise with two horses and four wheels fifteen cents; for the aforesaid carriages with four horses twenty cents, and every other carriage of pleasure, under whatever name, the like sum according to the number of horses drawing the same; for every wagon for burden and agricultural use for one horse five cents; for every wagon drawn by two horses ten cents; for every such wagon drawn by four horses twenty cents; for every wagon or cart five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and not drawn by more than six horses or oxen at all times to cross it. The said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge laden with more than four tons, to an amount not exceeding treble the above rates, and grade the rate of horses drawing the same: *And provided also*, No toll shall be demanded from any person attending funerals, divine worship, schools, or going to or returning from any militia trainings, and persons going to and from elections. Toll.
Proviso.

SECTION 10. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is herein prescribed and specified, or shall neglect to keep the same in good repair or to keep a list of the rates of tolls placed near the bridge, on ten days' notice given by a jus- Penalty for demanding illegal tolls.

tice of the peace of said county they so offending shall for every such offence forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law now recoverable, one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Accounts.

SECTION 11. The said president and managers shall keep a just and true account of all the moneys received as tolls for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses, and charges; and shall on the first Monday in January in every year publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and re-building the said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive; and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

Proviso.

Toll collector and watchman to take oath.

SECTION 12. It shall be lawful for the president and managers aforesaid to cause the toll-collector or collectors, and watchman or watchmen of said bridge, to take and subscribe an oath or affirmation before a justice of the peace of said county that he or they will faithfully conduct him or themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuries to bridge, toll house, &c.

SECTION 13. If any person or persons shall wilfully pull down, break, injure, or destroy any part or parts of said bridge, or any toll-house, gates, bars, or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed for the purpose of attending to the same, or shall willfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge or any part or parts thereof, he, she, or they so offending, shall each of them forfeit and pay for each and every such offence to the said corporation the sum of ten dollars, to be recovered before a justice of the peace as debts of like amount are recoverable. And if any person shall be guilty of carrying any lighted cigars or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured so that the probability of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol or gun, or any fire-arms on or near the said bridge so that the bridge might by possibility be set on fire or injured by said cause, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within

thirty days after it shall be known who committed said offence; and he or they so offending shall remain liable to actions at the suit of said corporation for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damages.

SECTION 14. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of four years thereafter complete the said bridge, it shall and may be lawful for the Legislature of this Commonwealth to resume all and singular the rights, liberties, and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers printed in the city of Philadelphia, a full account of the costs of building and repairing said bridge, and the amount of toll received: *Provided further*, That it shall be competent for the county of Philadelphia and the municipal corporations of the county of Philadelphia to subscribe for shares in the capital stock of said company, and to borrow money to pay therefor, and to make provisions for the payment of principal and interest of the money so borrowed as in other cases of loans to said corporations: *Provided also*, That the county or municipal corporations aforesaid may be represented at elections and other meetings of said company by agents duly authorized by the commissioners of said county and municipal corporations.

Time of commencement and completion.

Proviso.

SECTION 15. If at any time hereafter the county of Philadelphia, the State of Pennsylvania, or any incorporated town in the State, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a majority of twelve disinterested men appointed by the Court of Common Pleas in the county of Philadelphia may adjudge the same to be worth.

County of Philadelphia may purchase said bridge.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 504.

AN ACT

To incorporate the Evangelical Lutheran Congregation of the borough of Lewistown and its vicinity, and relative to a certain enrolment tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Ort, David Bloom, Daniel Fichthorn, Frederick Schwartz, John Corporators.

Hamilton, Jonathan Yeager, Jacob Ort, Samuel Ort, Samuel Comfort, Daniel Braught, John R. M'Dowel, Henry Dubbs, Jacob Bearly, Martin Drum, Daniel Doust, John B. Miller, Henry Leahr, Gabriel Leahr, James L. M'Ilvaine, Henry Aurandt, George Aurandt, Samuel Aurandt, Henry Ort, Michael Miller, Daniel Ferster, Reverend J. Rosenburg, Henry Strunk, Isaac Sides, Jonathan Swan, George Blymyer, Andrew M'Kee, George Seagrish, William Waters, Martin Drum, Alfred Marks, James Nicholas, Henry Cramer, George Albright, Daniel Albright, John Albright, John Leahr, Henry Comfort, Joseph F. Yeager, Simon Yeager, James H. Hagerty, members of the said congregation, and their successors, be, and they are hereby created one corporation and body politic in law, by the name and style of "The Evangelical Lutheran Congregation of the borough of Lewistown and its vicinity."

Style.

Privileges.

SECTION 2. That the said corporation by the same name and style shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold, and receive to them and their successors in trust for and to the use of the said congregation, lands, tenements, goods and chattels of whatsoever kind, nature, or quality, real, personal, or mixed, which is now or shall or may at any time hereafter become the property of the said congregation, or be held for the use of the said congregation by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve, or dispose of for the use of said congregation, if necessary, to erect or enlarge any building or buildings for the purpose of worship, residence of the pastor, or other purpose consistent with the advancement of religion as may be directed by a majority of such persons as are qualified to vote by the fourth section of this act, that may be present at a meeting to be held for that purpose; of which said meeting at least two weeks' notice shall be given from the pulpit or in any other public manner. The trustees, or a majority of them, shall direct and generally adopt all such measures, and do all singular such matters and things as may be lawful to be done for the well being and due management of the said church and congregation; and it shall be lawful for the corporation aforesaid to use the old church now occupied by the Evangelical Lutheran Church of Lewistown, in the erection of a new church, or if the corporation aforesaid deem it for their interest to use the materials in said church in any other manner, then they may make any other disposition of it they deem for their interest: *Provided*, That the yearly income or value of the said estate shall not at any time exceed three thousand dollars.

Proviso.

Business to be conducted by trustees.

Treasurers accounts to be settled annually.

SECTION 3. The business of the said corporation shall be conducted by five trustees, of whom three shall be a quorum, who shall choose from their number a president and secretary, and appoint a treasurer who shall receive and account for all moneys coming into his hands belonging to the corporation, shall give ample security on his accepting the office, and shall have his accounts annually settled by the trustees, to be laid before and approved of by the congregation at their annual election of trustees, and may appoint such other officers as the trustees or a majority of them may from time to time deem necessary for the better government of the secular affairs of the said congregation.

Trustees named

When to be elected.

SECTION 4. The following-named persons shall be trustees until others are or shall be elected as is hereinafter provided, to wit: John Hamilton, Henry Dubbs, Frederick Schwartz, John Ort, James L. M'Ilvaine, to continue in office until the first Monday after Easter,

Anno Domini, one thousand eight hundred and fifty-one, on which day the male members of the said congregation qualified to vote by the fourth section of this act shall elect five persons to serve as trustees, two of whom shall serve one year and three two years, the term of office to be designated by the electors on their ballots, and their places respectively shall be supplied at the annual election to be held for that purpose on that day in every year thereafter by the election of the number of persons necessary to serve for two years: *Provided*, That in case of vacancy by death or otherwise, the remaining trustees shall appoint a person or persons to supply the same until the next election: *And provided further*, That no person shall be eligible as a trustee unless he is a citizen of this Commonwealth and has participated in the Lord's supper according to the formula for the government and discipline of the Evangelical Lutheran Church within one year, unless prevented by sickness or absence, or is an original member of this corporation, or a male child of such original member of full age, the ancestor being deceased, and professing the tenets and doctrines of the Evangelical Lutheran Church, and shall have paid his contribution towards the discharge of the annual expenses of the congregation according to his ability within one year: *And provided further*, If the congregation neglect on the day of the election to hold their election as is herein directed, the said corporation shall not be dissolved, but a majority of the trustees remaining in office may appoint any subsequent time, not exceeding one month, at which the election may be held to supply vacancies, of which time and place at least two weeks' notice to the congregation shall be given by announcement from the pulpit or in any other public manner a majority of the remaining trustees may direct.

Proviso.

Proviso.

SECTION 5. Any male member of the said congregation who shall have participated in the Lord's supper according to the formula for the government and discipline of the Evangelical Lutheran Church within two years, unless prevented by sickness or absence, or who shall be an original member of the corporation, or a male child of such original member of full age, the ancestor being deceased, and professing the tenets and doctrines of the Evangelical Lutheran Church, and shall have contributed toward the discharge of the yearly expenses of the congregation according to his ability within one year, and no others, shall be entitled to vote at the elections of the said congregation, of all which elections at least two weeks' notice shall be given by announcement from the pulpit or in any other public manner a majority of the trustees may direct.

Who may vote at elections.

SECTION 6. The church council shall consist of the pastor for the time being, two elders, and four deacons, who shall be elected at the annual election to be held by the corporation on the day above said in every year; two elders and four deacons of whom one elder and two deacons shall serve for one year and one elder and two deacons to serve for two years, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied by the election of the requisite number of elders and deacons at the annual election happening at the time of the expiration of their respective terms of service, to serve for two years: *Provided*, That in case of vacancy by death or otherwise, the remaining members of the church council, or a majority of them, shall appoint a person or persons to supply the vacancy until the next election.

Church council, how constituted.

SECTION 7. The pastor of the congregation shall be invited by the church council, or a majority of them, and being approved of by them, or a majority of them, shall be elected by ballot by a majority of such persons as are qualified to vote by the fourth section of this act, that

Pastor, how selected.

may be present at a meeting to be held for that purpose, after two weeks' notice given as directed in the fourth section of this act.

Pastor, how discharged.

SECTION 8. The pastor of the congregation may be discharged from his office by a majority of such persons as are qualified to vote by the fourth section of this act, who may be present at a meeting to be held for that purpose, and to be called by the church council upon the written request stating the object and design to be for that purpose, of twenty persons qualified to vote as aforesaid, at which meeting the vote shall be taken by ballot by the president and secretary of the board of trustees, and two weeks' notice of the time and place of said meeting shall be given as directed in the fourth section of this act.

Rules of discipline.

SECTION 9. The said corporation and its successors shall have power at all times to adopt, alter, amend, and enforce such rules for the discipline of its members as shall be sanctioned by two-thirds of the members thereof at an election to be held by ballot, of which election two weeks' notice shall be given according to the provisions of the fourth section of this act; but such rules for the discipline of its members shall not in any manner interfere with, alter, or affect the rights of any one qualified to vote by the fourth section of this act, nor contain any thing repugnant to the provisions of this charter, the Constitution and laws of the United States or of this Commonwealth: *Provided*, That nothing in this act contained shall be so construed as to prevent the said corporation or its successors from expelling any member thereof according to its rules for the discipline of the members thereof, and by such expulsion depriving him or her of all rights and privileges hereby granted.

Proviso.

By-laws.*

SECTION 10. The said trustees and their successors, or a majority of them, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their own government and for the regulation and transaction of the secular business of the said corporation, and to make, use, and have a common seal, and the same to break, alter, and renew at their pleasure, and shall have power also to change the time of holding the general election, if the same should be deemed advisable: *Provided*, That the same by-laws and ordinances, and all the acts of the said trustees framed, enacted, and promulgated, shall not be contrary to this charter nor to the constitution of the general synod of the Evangelical Lutheran Church in the United States of North America, nor to the formula for the government and discipline of the Evangelical Lutheran Church, nor to the Constitution and laws of the United States or of this Commonwealth.

Proviso.

Secretary of the Commonwealth authorized to enrol certain act.

SECTION 11. That the Secretary of this Commonwealth be, and he is hereby authorized, upon the payment to him of ten dollars, to enroll House Bill No. 594, entitled "An Act to incorporate the congregation of St. Aloysius, Adams county," approved April nineteenth, one thousand eight hundred and fifty.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 505.

AN ACT

Extending the charter of the York Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the York Bank is hereby extended for the term of fifteen York Bank, years from the expiration of the present charter, subject to all the pro-charter ex-visions and restrictions, and with all the rights, immunities, and privi-tended 15 years. leges of the act entitled "An Act regulating banks," passed the sixteenth day of April, one thousand eight hundred and fifty, as fully as if the several sections of the said last recited act were herein literally repeated and set forth.

SECTION 2. The capital stock of said bank shall be five hundred thou-Capital stock. sand dollars as heretofore, consisting of twenty thousand shares, at twenty-five dollars each.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 506.

AN ACT

To authorize the corporate authorities of the borough of Wrightsville to subscribe to the Wrightsville and New Holland Turnpike Road Company an amount of stock not to exceed forty shares, and to incorporate the Little Beaver Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Borough of Wrightsville the corporate authorities of the borough of Wrightsville, in the county authorized to subscribe stock to certain turn-pike road. ville and New Holland Turnpike Road Company any amount of stock not to exceed forty shares.

SECTION 2 That Job Harvey, Amos Dawson, Alfred W. Fall, Corporators.

	Samuel Smith, James Wilson, William E. Russell, and their associates and successors be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of "The Little Beaver Bridge Company," and by that name may sue and be sued, plead and be impleaded, prosecute and be prosecuted, to final judgment and execution, in all courts having competent jurisdiction, have a common seal with the power to break, alter, or change it at pleasure, and they shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature, and which may be necessary to carry into effect the objects of this grant.
Style.	
Privileges.	
Capital stock.	SECTION 3. That the capital stock of said company shall not exceed ten thousand dollars, and be divided into shares of twelve dollars and fifty cents each; and any four or more of the above-named persons who will act as such shall be commissioners to open books, receive subscriptions, and perform such other duties as may be necessary to carry out the intention of the General Assembly in granting this act of incorporation. Books shall be opened at such times and places as directed by the commissioners, and when opened each or any one of them may from time to time receive subscriptions till seventy or more shares be subscribed for the building of a bridge in Beaver county, across Little Beaver creek, near its junction with the Ohio river. At the time of subscribing one dollar shall be paid by the subscriber upon each and every share taken or subscribed by him or her, or the commissioner taking the subscription as well as the subscriber shall be liable for the dollar payments.
Commissioners to open books.	
Organization.	SECTION 4. That so soon as seventy shares of the stock of said corporation shall be subscribed, the commissioners shall give notice by publication for three successive weeks, in one or more newspapers of general circulation in the neighborhood where the bridge is provided to be erected, of the time and place of a meeting of the stockholders to elect directors; and at the said meeting the stockholders who may think proper, shall in person or by proxy, choose five directors from among their number to hold their offices for one year and till their successors shall be elected, and take upon themselves the duties of the office; and
Annual election.	every year thereafter an election shall be held annually for the same number of directors to be elected in the same manner and at such time and place as the stockholders at some of their meetings may designate or the board of directors fix upon; if it should at any time so happen that an election of directors should not be held on a day when pursuant to the provisions of this act it ought to be held, the corporation shall not thereby be dissolved, but an election may be held at any other time ordered by the directors; and in all cases of elections notice shall be given to the stockholders in the manner stated above.
Directors to choose officers.	SECTION 5. The directors elected at each election shall choose from among their number a president, and they shall appoint a secretary and treasurer, whom they may remove at pleasure. And the president and two or more directors, or in his absence a majority of the directors, shall form a board of directors and a quorum to do business. Any two of the commissioners shall be judges of the first election, and thereafter any two of the directors may be judges, or in case of absence or neglect to serve, the stockholders may appoint.
Location.	SECTION 6. That the said corporation may erect a bridge across and over the said Little Beaver creek, at the place above named for that purpose, upon lands which it may purchase and hold or upon the road laid out between the towns of Glasgow and Monterey. It may also take, have, hold, or dispose of any personal or real estate which may

be given or donated for the benefit of said company, and may collect, have, and receive such sum or sums of money as shall be subscribed to be paid to the corporation.

SECTION 7. That the directors may demand from the stockholders respectively all such sums of money as by them may from time to time be subscribed, and at such time or times and in such proportion or proportions as the may think proper, first giving thirty days' notice in one or more newspapers circulating as aforesaid; but not more than twenty-five per centum of the stock shall be called for at any one time. And if any stockholder shall neglect to pay the proportion of his or her stock called for, by notice published as above for the space of thirty days after being so called for, then the treasurer of the corporation or any other person duly authorized for the purpose, may by order of the board of directors, and upon a further notice of thirty days by publication in some paper or papers circulating as aforesaid, of the time and place of sale, sell to the highest bidder at public auction the share or shares of such stockholder; and thereupon the entire interest of the said stockholder in the share or shares so sold shall vest in the purchaser, to be again divested in case of another sale made as aforesaid. But the right of the corporation to enforce payments by suit or otherwise from every original stockholder for the amount of his or her stock shall not be impaired thereby; and the corporation shall from time to time, and at all times, have the power to collect by process of law and execution, such portions of the said stock as may be called for by advertisement published as above provided for.

SECTION 8. That the board of directors shall have power from time to time to make and ordain by-laws, rules, and regulations for the passage and use of said bridge when erected, and for all other purposes touching the premises not repugnant to the Constitution and laws of this Commonwealth or of the United States; and the penalties imposed by said by-laws, rules, and regulations may be sued for and recovered by the corporation to and for its own use and benefit before any court having competent jurisdiction, which penalties shall in no case exceed ten dollars; but the recovery of a penalty shall not do away the right of the corporation to recover damages for any substantial injury done to the bridge, its abutments, its foundations, or its fixtures, where the right to recover would otherwise be good by the statute or at common law: *Provided*, That before any penalty shall be collected the corporation shall have caused its by-laws, for the breach of which penalties may be inflicted, to be printed, and copies be set up in some conspicuous places on and near the bridge; and if any person or persons shall maliciously or wilfully mar, deface, or pull down any copy which may be set up, the said corporation may sue for and recover of all or any one of the persons guilty, for its *one* use, a sum not exceeding ten dollars nor less than five dollars and costs.

SECTION 9. Each stockholder shall be entitled to one vote, in person or by proxy legally authorized, for each and every share of stock he or she may hold in said corporation; and if the directors shall at any time before the completion of and payment for said bridge find it necessary to raise additional sums of money, the board may from time to time re-open books and receive subscriptions of stock not exceeding in the whole the said eight hundred shares.

SECTION 10. That if the commissioners appointed by this act, or a quorum, shall not on or before the first day of September next take active and proper measures to secure the subscription of seventy or more shares of stock, or if after it be secured or after the directors be elected, the latter shall not in six months thereafter commence the erection of

Stock to be called in by directors, and how.

By-laws.

Penalties, how recovered.

Proviso.

Who may vote at elections.

Time of commencement and completion.

a bridge at the place aforesaid, or if after having commenced there be unreasonable delay towards its completion for six months at any one time, then the citizens of the said county of Beaver, or any of them with their associates, elsewhere may erect upon the aforesaid road across said Little Beaver creek, with or without the aid of the commissioners of the county, a free bridge. But if under this provision no free bridge be erected, or none be commenced and prosecuted towards completion without *reasonable* delay, then the said corporation shall continue, and the said bridge to be constructed by it on or before the first day of April, Anno Domini, one thousand eight hundred and fifty-four.

Repairs when regulated, how to be compelled.

SECTION 11. If at any time after the erection of a bridge it shall become dangerous to passengers, or impassable from any cause, and there be great and unnecessary delay in commencing or carrying on repairs, then any of the said citizens and their associates, with or without the assistance of the commissioners of said county, may after sixty days' notice given to any two of the directors to repair or re-build as the case may be, and the necessary work not commenced, or continued if commenced, re-build or make the proper repairs, and the said corporation shall be liable to the person or persons re-building or making the necessary repairs a reasonable and fair compensation therefor, with ten per cent. thereon, to be enforced, if not settled by amicable arrangements, by action of assumpsit and execution in and from any court *have* competent jurisdiction.

Tolls.

SECTION 12. That when the said bridge may be erected and ready for the passage of travelers, the corporation may charge, collect, and receive the following or any less tolls for the passage thereof, to wit: For every stage, carriage, wagon, sleigh, or sled, and every loaded wagon drawn by four horses, thirty-seven and a-half cents; for every additional horse ten cents; for every four-wheeled pleasure carriage or sleigh drawn by two horses, and every loaded wagon, sleigh, or sled drawn by three horses or as many mules, or by two pairs of oxen, twenty-five cents; for every loaded wagon, cart, sleigh, sled, or truck drawn by two horses, two mules, or one pair of oxen, twenty cents; for every two-wheeled pleasure carriage or every four-wheeled pleasure carriage other than buggies, drawn by one horse or mule, fifteen cents; for every buggy, loaded wagon, cart, truck, sleigh, or sled drawn by a single horse or mule, ten cents; for every empty wagon, sleigh, sled, truck, or cart drawn by horses, mules, or oxen, six and one-fourth cents; for each horse, mule, or ox, for every man and horse, six and one-fourth cents; and for each additional horse or mule led or driven, two cents; for each foot-passenger two cents; for all cattle not otherwise enumerated, two cents; for sheep or hogs each five mills. The board of directors shall have power by themselves or agent to agree with and commute for a certain sum to any person or persons the above tolls for the right to pass by the year or half year the said bridge by him or herself, his or her family, horses, cattle, carriages, teams, and servants; and the sum or sums agreed to be paid shall be collectable in an action of assumpsit before any justice of the peace having jurisdiction.

Rates of toll to be kept up.

SECTION 13. The company shall previous to their receiving toll, set up and keep exposed to view in some conspicuous place near the gate which may be constructed across said bridge, a board or canvass on which shall be painted in legible characters the rates of toll hereinbefore established.

Canal Commissioners to examine claim of Robert Montgomery.

SECTION 14. That the canal commissioners be, and they are hereby authorized and required to examine the claim of Robert Montgomery, of Lycoming county, for damages sustained by reason of the erection of the Muncy dam, on the West Branch division of the Pennsylvania canal,

and assess the amount of damages, if any, according to equity and justice, and make report thereof to the Legislature as soon as practicable.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 507.

AN ACT

Erecting the village of Strattanville into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the territory situate in the township of Clarion, Clarion county, included within the following boundaries, to wit: Beginning at the north-east corner of Thomas Young's wood lot, thence north six and one-half degrees, west one hundred rods to a post in Andrew Owen's field, thence south eighty perches to a post, thence north six and one-half degrees, east one hundred perches to a post, thence north to the place of beginning, is hereby erected into a borough, which shall be called and styled the "Borough of Strattanville."

Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the General Assembly having resided therein one calendar month immediately preceding the election, shall on the third Friday of February next, and annually thereafter on the same day which now is or may be fixed by law for the election of constable and other township officers within this Commonwealth, meet at the west end of the school house in said borough, and then and there between the hours of ten A. M. and seven P. M., elect by ballot one of the citizens who shall be styled the burgess of said borough, and four other citizens to be members of the town council, one person as constable of said borough, and two persons as overseers of the poor, one person as street commissioner, two persons as auditors, one person as assessor, two justices of the peace, one judge of election, and two inspectors of election; and at the first election six school directors, two to serve one year, two for two years, and two for three years, and thereafter two school directors annually to serve three years, all of whom shall be citizens and residents of said borough, which election shall in all respects be conducted in the same manner as is provided for the election of township officers within this Commonwealth, and shall be subject to the same penalties for mal-practices except that

Annual election.

Officers.

Certificates of election, when to be filed. the certificate of the election of burgess and town council and other borough officers shall be filed among the records of the corporation; and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each person so elected: *And provided*, That in case of death, resignation, removal, or refusal to accept of any of said offices, the vacancies may be supplied by a new election in all cases where by existing laws there is no provision made for supplying vacancies by appointment: *And provided further*, That for the first election to be held under this act it shall be the duty of Samuel Johnson to give notice and perform all duties enjoined on constables by the existing laws relative to township elections. And in case no election shall be held on the first day mentioned, they shall appoint some other day and perform such services; but previous to opening of such election such of the citizens entitled to vote as aforesaid as may be present at the time and place of opening the same shall choose one judge and two inspectors and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

Proviso.

Proviso.

Justices of the peace, &c., to hold their offices under general election law.

SECTION 3. That the justices of the peace, constable, school directors, and other officers elected in said borough, shall hold their offices for a similar length of time, and exercise like powers with similar officers elected under the general election laws of this Commonwealth; and further, that the burgess and members of council, and other officers elected as aforesaid, shall in all cases continue to hold and exercise the duties of their respective offices until their successors shall be duly elected and qualified.

Penalty for refusing to act as burgess or council.

SECTION 4. That if any person duly elected burgess or member of the town council, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties shall neglect to discharge the same according to law, every such person so refusing or neglecting shall for every such offence forfeit and pay the sum of five dollars; and every other officer elected or appointed by virtue of this act or by the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect pay a fine not exceeding five dollars, at the discretion of the burgess, which fines and all other fines that may be incurred under this act or any of the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Strattanville as debts of like amount are by law recoverable: *Provided*, That no person or persons shall be compelled to serve more than one year in any term of three, and the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office.

President.

SECTION 5. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

Meeting of burgess and town council.

SECTION 6. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require. Three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum

(when there is one formed) shall be valid. They shall have power, in the absence of the burgess, to elect a president pro tem., who shall in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; or in his absence the president pro tem. *shall power* to call special meetings of the council; but in all cases of special meetings, personal notice shall be given to each member, unless absent from the borough.

SECTION 7. That the burgess before entering on the duties of his office shall take and subscribe an oath or affirmation before a justice of the peace of the county of Clarion to support the Constitution of the United States and State of Pennsylvania, and to perform the duties of his office with fidelity; and when so qualified, he shall administer a like oath or affirmation to each of the members of the town council, high constable, town clerk, and such other officers as shall be elected or appointed under this act or any by-laws or ordinances of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

Burgess to be sworn.

Council to be sworn.

SECTION 8. That from and after the third Friday of February next, the said burgess and town council duly elected and their successors, shall be one body corporate and politic by the name and style of the "Borough of Strattanville," and shall have perpetual succession; and the said burgess and town council and their successors, shall be capable in law to have, receive, hold, and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to grant, sell, let, and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this Commonwealth in all manner of action whatever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

When this act takes effect.

SECTION 9. That the town council shall have power to pass and enact such by-laws, rules, regulations, and ordinances as they deem necessary to promote the peace and good order and general welfare of the inhabitants and well-being of said borough, and for the purpose of improving and keeping in good order the side-walks, streets, lanes, alleys, common grounds, or other property whatsoever that has heretofore been granted to the use of the citizens, or that *may hereafter* granted to the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make, renew, or annul as the occasion may require; and also to assess, levy, and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, which said taxes shall not exceed in any one year ten mills on the dollar, except by consent of two-thirds of the votes polled at any general election for township officers of said borough.

By-laws.

SECTION 10. That the town council shall have authority to obtain materials for improving the streets, lanes, and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired, and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure. The officers to be appointed by the town council shall be allowed such compensation as the council may fix and agree, but the members of the council themselves shall not receive any compensation for their services as members of council. The council may remit any fines or penalties that may be incurred by and under this act, or any of the by-laws or ordinances, when in their judgment it may be

Streets, how to be opened and repaired.

Proviso.

proper so to do: *Provided*, No by-law, rule, regulation, or ordinance shall be repugnant to the Constitution and laws of the United States or of this Commonwealth, and that no person shall be subject to any fine or punishment for a violation of any by-law or ordinance of said borough until after six days shall have expired, the promulgation thereof, by at least four copies of the same, being put up at the most public places within said borough and signed by the burgess or president pro tem. and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such services as may be enjoined on him by the same.

Taxes, how collected.

SECTION 11. That it shall be the duty of the burgess to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes as the collector of county rates and levies, and may be proceeded against in the same manner that the county treasurer or county commissioners are authorized by law to proceed against the collector of county taxes when they neglect to collect or pay over the amount of their duplicates according to law: *Provided*, That the town council may hold appeals, hear any complaints in relation to the assessment of the said taxes, and grant relief as may seem best at any time, and also exonerate the collector from the payment of any taxes that may be impracticable to collect. And in all cases of any tax assessed upon any vacant or unseated land in said borough and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of said county in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands, and the county treasurer shall in like manner collect the said taxes or sell and convey the lot or lots for the payment for the same, and pay the money into the treasury of the borough or to whatever it may belong: *Provided also*, That prior to the collection of any borough tax the collector shall inform each taxable inhabitant of the amount of his tax and of the time and place of appeal.

Proviso.

Town clerk, duties of.

SECTION 12. That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of the duties that may devolve upon him by this act or of the acts of this corporation. He shall keep a fair journal of the proceedings of the town council in a book provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president shall attest the same. He shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinance, or proceeding of the town council, when so certified and attested by the clerk, shall be good evidence of the thing certified. He shall deliver over to his successor the seal and all the books, papers, and other things belonging to the corporation; and upon neglect or refusal to do so upon demand made, he shall forfeit and pay a fine of not less than ten dollars, and to be accountable for all damages sustained by the corporation, to be recoverable as like debts and damages are by law recoverable.

Treasurer, duties of.

SECTION 13. It shall be the duty of the treasurer to receive moneys due to the corporation, whether for fines, taxes, donations, or in any other way, and pay out the same on orders of the burgess or president

pro tem. He shall keep a fair account of his receipts and payments, and settle his accounts with the town council whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers, and accounts belonging to the corporation or pertaining to his official duties when demanded, for which he shall give a bond to the burgess and town council, with sureties thereon, as they may require.

SECTION 14. That no moneys shall be drawn from the treasurer but by the authority of the council on orders signed by the president thereof and attested by the clerk. It shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers annually, and to cause a fair statement, shewing the receipts in the treasury and how the same shall have expended, to be published by the town clerk every year in the manner prescribed by said town council.

SECTION 15. That it shall be the duty of the high constable of the said borough to give notice of the annual elections of said borough, by setting up six advertisements in the most public places in said borough ten days previous thereto.

SECTION 16. That the said borough shall be a separate school district, and also a separate election district; and the annual elections in said borough shall be held at the place named in the second section of this act.

SECTION 17. That the constable elected under the provisions of this act shall serve as high constable of said borough, unless the town council shall deem it necessary to appoint a high constable.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 508.

AN ACT

To re-charter the Lebanon Bank, in the county of Lebanon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Lebanon Bank, in the county of Lebanon, be, and the same is hereby extended and continued for the term of fifteen years from the expiration of its present charter, subject to all the restrictions and provisions, and with all the immunities and privileges contained in

an act entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty. And it shall be the duty of the president and directors of the said Lebanon Bank to give notice that at the meeting of the stockholders of the said bank, to be held for the purpose of deciding as to the acceptance of this re-charter, the question will be submitted to them whether they will elect to pay up the remaining ten dollars per share yet unpaid on the stock heretofore subscribed, or permit five hundred additional shares of stock to be sold, on which forty dollars per share shall be required to be paid; and the votes of a majority of the stockholders thus assembled, each share being entitled to one vote, shall determine the question. And it shall be the duty of the said president and directors to carry out the decision of the said stockholders, either by requiring the payment of the said remaining ten dollars per share or by selling the said five hundred shares of stock, as the case may be.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The seventh day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 509.

A N A C T

Extending the charter of the Wyoming Bank at Wilkesbarre in the county of Luzern.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Wyoming Bank at Wilkesbarre be, and the same is hereby extended and continued for the term of fifteen years from the expiration of its present charter, subject to all the restrictions and provisions and with all the immunities and privileges contained in an act entitled "An Act regulating Banks," approved the sixteenth day of April, one thousand eight hundred and fifty.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 510.

A N A C T

To extend the charter of the Exchange Bank of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the charter of the Exchange Bank of Pittsburg be, and same is hereby extended and continued for the period of fifteen years from the expiration of its present charter, subject to all the restrictions and provisions and with all the immunities and privileges contained in an act entitled "An Act regulating Banks," approved the sixteenth day of April, one thousand eight hundred and fifty.

J. S. MCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 511.

A N A C T

To incorporate the Franklin County Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George H. Davidson, Alexander Hamilton, Thomas Carson, Samuel Holliday, James Crawford, Peter Brough, George S. Eyster, Frederick Smith, Samuel D. Culbertson, William Keyser, William M'Lellan, Abraham H. Senseney, and Andrew Snively, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be, and they are hereby constituted and declared to be a body politic and corporate by the name, style, and title, of "The Franklin County Mutual Insurance Company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase,

Corporators.

Style.

Privileges.

receive, have, hold, and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what kind soever, and choses in action, and the same to sell and dispose of from time to time, and also make and have one common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter or the laws of the United States or of this Commonwealth, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of said corporation and the due management and the well ordering of the affairs thereof: *Provided*, That no policy shall be issued by said company until application shall have been received for the insurance of property amounting in value to the sum of one hundred thousand dollars.

Object of corporation.

SECTION 2. The object and business of said corporation shall and is hereby prescribed to be the insurance of their respective dwelling houses, stores, barns, shops, and other buildings, household furniture, goods and chattles, and other property against loss or damage occasioned through any unavoidable accident by fire.

Who are members.

SECTION 3. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators, or assigns continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Thirteen directors to be chosen and duties of.

SECTION 4. The affairs of the said corporation shall be managed by a board of directors, consisting of thirteen members, to be elected and chosen as hereinafter provided, which board shall appoint from their own number one person as president; they shall also appoint one person as secretary of the board and one person as treasurer, of whom they shall require such securities as may be required by the by-laws, and shall have authority to appoint other officers and employ such clerks, agents, and attorneys as may be found necessary for the transaction of the business of said institution, and shall also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance; a majority of said board shall constitute a quorum to do business.

Annual meeting.

SECTION 5. The members of this company shall upon twenty days' notice meet at such place as may be provided for in the by-laws on the first Monday of July, in the year of our Lord, one thousand eight hundred and fifty, and hold their first election of directors, and such election shall be held under the inspection of three members, to be chosen by the members who may attend at the time and place of holding such election. Such election of directors shall be by ballot, and a majority of the votes polled shall elect, and the directors so elected shall continue in office until the first Monday of May, one thousand eight hundred and fifty-one, or until others are elected, on which day and annually thereafter an election shall be held for directors as is provided in the first part of this section, and each member shall be allowed one vote and no more.

Corporation not dissolved for neglect to elect directors.

SECTION 6. If it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

SECTION 7. Every person who shall become a member of this cor-

poration by effecting insurance therein, shall before he receives his policy deposit his promissory note for such sum of money as shall be determined by the directors; a part not exceeding ten per cent. of said note shall be immediately paid in, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite, for the payment of loss or damage by fire, and such incidental charges as shall be necessary for transacting the business of said corporation; and at the expiration of the term of insurance the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof.

SECTION 8. Every member of said corporation shall be bound to pay for losses or damage and such necessary expenses aforesaid accruing in said corporation, in proportion to the amount of his or her deposit note.

SECTION 9. Suits at law may be maintained by said corporation against any of its members for the collection of said deposit note and any assignment thereon, or for any other cause relating to the business of said corporation; also, all suits may be prosecuted and maintained by any member against said corporation for losses or damage by fire if payment be withheld or refused more than three months after the company are duly notified of such losses. No member of the company not being in his individual capacity a party to the suit or suits shall be incompetent as a witness on account of his being a member of the company.

SECTION 10. The directors shall, after ascertaining the amount of loss or damage by fire sustained by any of its members, settle and determine in proportion to the deposit notes the amount to be paid by any of its members, as their respective shares of such loss or damage, and publish the same in such manner as may be prescribed by the by-laws, and the members shall pay the same to the treasurer of the company within thirty days after the publication of said notice; on neglect or refusal to pay the sum assessed upon him as a proportion of any loss as aforesaid, in such case said company may sue for and recover the whole amount of his or her deposit note or notes with costs of suit, and the amount then collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand.

SECTION 11. At the annual meeting of the company as provided for in section fifth, the members shall pass all by-laws, rules, and regulations necessary for the well-government of the affairs of said corporation; it shall also be the duty of the secretary and treasurer at such annual meeting to have all books and writings concerning the company at such place of meeting, and any member of the company shall be allowed to examine the same.

SECTION 12. Within thirty days after the annual meeting for the election of directors, it shall be the duty of the secretary of the corporation to cause to be made and published in one or more newspapers published in the borough of Chambersburg, a statement of the affairs of the corporation, the amount of premiums received, the amount of expenses and losses during the year in each respective class, the amount of risks in each class, the dividends paid, and a general balance statement of the affairs of the corporation.

SECTION 13. The operations and business of the said corporation shall be carried on and conducted in the borough of Chambersburg, in the county of Franklin.

First board of directors constituted. SECTION 14. The hereinbefore-named George H. Davidson, Alexander Hamilton, Thomas Carson, Samuel Holliday, James Crawford, Peter Brough, George S. Eyster, Frederick Smith, Samuel D. Culbertson, William Heyser, William M'Lellan, Abraham H. Senseny, and Andrew Snively, shall constitute the board of directors of said institution until the first Monday of May, in the year of our Lord, one thousand eight hundred and fifty-one, or until others are elected in their stead.

Withdrawing member to surrender policy, &c. SECTION 15. That any member of this company wishing to withdraw his or her insurance from said company shall surrender his or her policy to the directors to be cancelled, and upon such surrender shall be entitled to receive his or her deposit note on payment of his or her proportion of losses and expenses accrued prior to such surrender, and the payment of two per cent. on the balance of said note for the use of the company.

Reservation. SECTION 16. The Legislature of this Commonwealth may at any time, alter, modify, or annul the provisions of this act, in such manner, however, as to do no injustice to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 512.

AN ACT

To extend the charter of the Bank of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Bank of Pittsburg be, and the same is hereby extended and continued for the period of fifteen years from the expiration of its present charter, subject to all the restrictions and provisions and with all the immunities and privileges contained in an act entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The tenth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 513.

AN ACT

To incorporate the president and managers of the Clarion and Allegheny Turnpike Road Company, supplementary to the act regulating turnpike and plank road companies, and to annul the marriage contract between Jonathan Race and Jane his wife, relative to the Frankford and Bristol Turnpike Road Company, the trustees of Ephraim Clark, repealing the thirty-sixth section of act granting certain authorities to the cities of Lancaster and Philadelphia, changing the name of Mary Anna Hindman, relative to ward elections in Moyamensing, legitimizing the daughter of Daniel Brubaker, and the Philadelphia society for the support of charity schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Curll, Dr. John Thomas Pritner, Robert Potter, Amos Myers, Thomas Sutton, Daniel B. Curll, Robert Barber, Amos Williams, John Cribbs, William F. Keever, Lindsey C. Pritner, J. Graff, George Means, J. Patton Lyon, Thomas M'Cullough, John W. Kerr, David Rankin, G. L. Benn, Peter Reed, James Potter, Joseph Flick, Joseph Rankin, and J. E. Gould, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Clarion and Allegheny Turnpike Road Company," with power to construct a turnpike road from the borough of Clarion, in the county of Clarion, by the way of Keeverburg, Martha Furnace, Curllsville, Reimersburg, to a point at or near the warehouse of J. E. Gould, on the Allegheny river, in said county, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, except those hereinafter mentioned.

Commissioners.

Style.

Location.

Subject to provisions of act of 1849.

SECTION 2. That the capital stock of said company shall consist of one thousand shares, at twenty dollars each.

Capital stock.

SECTION 3. That the president and managers may so construct and grade the road that the same shall in no place rise or fall in an angle of more than five degrees from a horizontal line.

Grade not to exceed five degrees.

SECTION 4. That where the said president and managers deem it practicable, they may construct their road of plank, subject to the act passed the twenty-sixth of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto.

May construct road of plank.

SECTION 5. That if said company shall not commence the construction of this road within three years and complete the same within ten years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Time of commencement and completion.

SECTION 6. That when a vacancy shall occur by death, resignation, or otherwise, in any of the offices of any turnpike or plank road company incorporated under the provisions of the act regulating turnpike and plank road companies, the board of managers of such company shall supply the same by an appointment at a special meeting of the board to be called for the purpose, of which due notice shall be given; such appointment to continue until the next annual election.

Vacancies how filled.

Managers may require officers to give bond.

SECTION 7. That it shall be lawful for the board of managers of any such company to require the treasurer or any other officer of any such company to give bond, with one or more sureties, for such an amount as they may deem necessary, conditioned for the faithful performance of the duties of the office to which he may have been elected or appointed.

Plank road companies may regulate tolls without reference to width of tire.

SECTION 8. That plank road companies incorporated under the provisions of the act to which this is a supplement shall have power to regulate their tolls without reference to the breadth of the tire of wheels of vehicles passing over the same.

Damages, how to be ascertained.

SECTION 9. That in all cases of application for damages occasioned by any turnpike or plank road company, it shall be the duty of the viewers to take into consideration the advantages as well as disadvantages of such road to the owner of the property or applicant for damages.

Divorce of Jonathan Race and wife.

SECTION 10. That the marriage contract entered into by and between Jonathan Race and Jane Race his wife, be, and the same is hereby made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully and effectually and absolutely as if they had never been joined in marriage.

Frankford and Bristol Turnpike Road Company to declare semi-annual dividends.

SECTION 11. That the Frankford and Bristol Turnpike Road Company are hereby authorized to declare their semi-annual dividends on the second Mondays of May and November, instead of the time now directed by their act of incorporation.

Trustees under will of Ephraim Clark, empowered to make and exchange.

SECTION 12. That the trustees under the will of Ephraim Clark, deceased, late of the city of Philadelphia, and their successors in said trust, in addition to the powers already vested in them shall be, and they are hereby authorized and empowered to make, execute, and consummate any exchange or exchanges which they may deem expedient of any part of the said premises for any piece or pieces of land adjoining or adjacent thereto, for the purpose of straightening or completing the lines of the said premises with reference to street or other improvements, and to convey a good and valid estate in fee in such part or parts of said premises free and discharged from the trusts in the said will: *Provided*, The piece and pieces of land so received in exchange shall be held by the said trustees for the same uses and purposes as are set forth in the will of the said Ephraim Clark, deceased, concerning the said premises, and shall also be subject to the powers and authorities vested in said trustees by said will and by this section, and the act entitled "An Act for the purpose of enabling the trustees of Ephraim Clark, deceased, to sell certain real estate," approved the tenth day of April, one thousand eight hundred and forty-nine, to which this is a supplement; and all sales heretofore made under the authority of said act in the nature of exchange are hereby ratified and confirmed as fully and clearly as if said authority were therein given in express terms.

Proviso.

Act to which this is a supplement construed.

SECTION 13. That the said act to which this is a supplement shall be deemed and taken and construed to vest in said trustees and their successors in said trust, full authority and power to sell and dispose of the said tract of land in the Northern Liberties, in the county of Philadelphia, in such lots and of such a size each as to them may seem most expedient, and either in fee simple or reserving a ground rent out of each of said lots equivalent to the whole or part of the consideration money: *Provided*, That such sale or sales shall be subject to all and every the clauses and conditions contained in the second section of the act to which this is a supplement.

Repeal of act authorizing Se-

SECTION 14. That the thirty-sixth section of the act passed the sixteenth day of April, Anno Domini, one thousand eight hundred and

thirty-eight, entitled "An Act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes," be, and the same is hereby repealed.

SECTION 15. That from and after the passage of this act, Mary Anna H. Hindman, of the city of Philadelphia, shall be called and known by the name of Mary Anna H. Hoskins, and by that name be capable of suing and being sued, and granting and taking any estate, real or personal, by grant, demise, or purchase, in the same manner as she could have done had she been always known by the name of Mary Anna H. Hoskins.

SECTION 16. That from and after the passage of this act, the general, special, and ward elections in Second Ward Moyamensing, in the county of Philadelphia, shall be held at the public house now occupied by John McFaull, at the north-west corner of Delaware Eighth and Catharine streets, in said ward.

SECTION 17. That Margaret Amelia, daughter of Daniel Brubaker, of Manheim township, Lancaster county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever as fully and effectually as if she had been born in lawful wedlock.

SECTION 18. That the Philadelphia society for the establishment and support of Charity schools, are hereby authorized to make by-laws determining the number that shall constitute a quorum of said society, and also the number that shall constitute a quorum of the board of managers of said society, and that so much of any law or laws of this Commonwealth as conflicts with the provisions of this section be, and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 514.

AN ACT

To incorporate the American Primitive Methodist Church of Bloomsburg, Columbia county, relative to the militia of Montour county, to the Danville and Pottsville Railroad Company, to holding elections in Spring Garden and Moyamensing, and authorizing John R. Vogdes, guardian, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That this corporation shall be called and known by the name, style, and title,*

Style.	of "The American Primitive Methodist Church of Bloomsburg," and by that name shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all the courts of this Commonwealth, and shall be able and capable in law and equity to take and hold to them and their successors for the use of said church, any lands or tenements, goods, chattels and effects of whatsoever nature or kind, the same may be either real, personal, or mixed, which now is or shall at any time hereafter become the property of said church, or which is now or shall hereafter be held for their use, or by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise howsoever, by or from any person or persons whomsoever, and the same to grant, bargain, sell, convey, mortgage, improve, encumber, or dispose of for the use and benefit of said the male members of said church: <i>Provided</i> , That the yearly value or income of said estate shall not exceed the sum of two thousand five hundred dollars, nor shall said income be appropriated for any other than benevolent or religious purposes.
Privileges.	
Business to be conducted by trustees.	SECTION 2. The business of said church and congregation shall be conducted by six trustees, all of whom shall be of the age of twenty-one years and upwards, and male communicant members of the church according to the rules, regulations, and principles of the general conference of the "American Primitive Methodist Church in the United States of America," as the same is now established and existing.
First trustees named.	SECTION 3. Until others are elected as hereinafter provided for, the following-named persons shall be trustees, to wit: John Williams, William Powell, William Wood, Charles Vaughn, Charles Wood, and William Donaldson, who shall continue in office until the first Monday of December, Anno Domini, one thousand eight hundred and fifty, on which day the male members of said church, of twenty-one years and upwards, shall elect six persons to serve as trustees, two of whom shall serve three years, and two of whom shall serve for one year, and two of whom shall serve two years, the time of service to be designated by the electors in their ballots, the place of holding as regards of whose terms shall expire, shall be filled at the annual election to be held for that purpose on the first Monday of December in each and every year by the election of two persons to serve for three years: <i>Provided</i> , That in case of a vacancy by death, resignation, or otherwise, the remaining trustees shall appoint a qualified person to fill the vacancy until the next annual election, when the vacancy shall be filled by an election.
First election, when held.	
Term of trustees.	
Proviso.	SECTION 4. All elections shall be held by the male members of said church of the age of twenty-one years and upwards, and shall be by ballot, and conducted by three inspectors chosen by the electors present at the time and place of holding the election; and notice of the time and place of all elections shall be publicly made on a Lord's day preceding, immediately after divine service, at least one week before the time of holding such election; and in case the members of said church shall fail to make an election on the day of their annual election, the trustees shall appoint some time or times for the same, notice of which must be given as aforesaid.
Who may vote at elections.	SECTION 5. The trustees named in section three, and their successors duly elected, shall from time to time as often as they may think proper, choose from amongst their number a president, secretary, treasurer, and such other officers as from time to time shall be found necessary for the better management of the business of said church; they shall have full power to enact and enforce all such by-laws and ordinances as they shall find necessary or deem proper for the good order and transacting the business of said church and congregation, and to make, have, and use a common seal, and the same to alter, renew, or break at their
Trustees to choose officers.	
Trustees to enforce by-laws, &c.	

pleasure, to change the time and fix the place of holding all elections, and generally to do all and singular the matters and things that may be lawful and necessary for the well being and proper management of the affairs and business of said church and congregation: *Provided*, The said by-laws, ordinances, rules, and regulations, shall be framed, enacted, and promulgated, and all the acts of said corporation be in strict conformity with the rules, regulations, and principles of the general conference of the American Primitive Methodist Church in the United States, as the same is now established and existing and not inconsistent with these articles, or the Constitution and laws of the United States or of the Commonwealth of Pennsylvania.

SECTION 6. Every male member of the age of twenty-one years and upwards, and in full communion in said church according to the rules, regulations, and principles of the general conference of the American Primitive Methodist Church in the United States as now established and existing, shall be considered a member of said corporation, and as such shall be entitled to speak and vote at all the business meetings and elections of the congregation.

SECTION 7. That the county of Montour be, and the same is hereby attached to the eighth division of the uniformed militia of Pennsylvania.

SECTION 8. That the nineteenth section of the act entitled "An Act to provide for the ordinary expenses of government, the repair of the public canals and railroads, and other general and special appropriations," approved the tenth day of May, one thousand eight hundred and fifty, be so amended as to authorize instead of the sum of eight thousand five hundred dollars the payment of the sum of fifteen thousand dollars, or so much thereof as may be necessary on the guaranty to the loan holders of the Danville and Pottsville Railroad Company.

SECTION 9. That from and after the passage of this act, the general, special, and ward elections in Third Ward Moyamensing, in the county of Philadelphia, shall be held at the public house now occupied by James Duffy, on the east side of Thirteenth street and north of Catharine street in said ward.

SECTION 10. That John R. Vogdes, guardian of the estate of William D. McKibbin, a minor child of David McKibbin and Martha his wife, late of the county of Dauphin, in the State of Pennsylvania, deceased, be, and he is hereby authorized and empowered to sell and dispose of, either at public or private sale, all the estate, right, title, and interest, property, claim, and demand whatsoever, of him the said William D. McKibbin, minor as aforesaid, of, in, and to all or any part or parts of the real estate, lands, tenements, and hereditaments situate, lying, and being in the city and county of Philadelphia or elsewhere in the State of Pennsylvania, whereof the said David McKibbin and Martha his wife died seised or possessed, and also to grant and convey the same in fee simple unto the purchaser or purchasers thereof, and to make, execute, acknowledge, and deliver to the said purchaser or purchasers, good and sufficient deed or deeds, conveyances, and assurances in the law for the same: *Provided*, That before any deed of conveyance shall be executed for the same, the said guardian shall give a bond in such sum and with such surety as the Orphans' Court of the proper county in which the said real estate so sold is situated, shall order and direct for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

SECTION 11. That from and after the passage of this act, the qualified voters of the first precinct, First Ward Spring Garden, in the county of Philadelphia, shall hold their general and ward elections at the public

Proviso.

Who are members of said corporation.

Montour county attached to 8th district of Pennsylvania militia.

Danville and Pottsville Railroad Company, appropriation to amended.

Third Ward Moyamensing, place of holding elections.

Guardian of Wm. D. McKibbin authorized to sell real estate.

First Ward Spring Garden, first precinct, place of holding elections.

house of Philip Hoffman, two hundred north Eighth street in said precinct.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 515.

AN ACT

To incorporate the Stout's Ferry Bridge Company, in the county of Berks, relative to the Philadelphia Police district; to wharf lines on the river Delaware; to school directors in the district of Kensington, and to toll-houses in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners, Jacob Stout, Samuel Moser, Jacob Leinback, Abraham Koenig, Daniel Aulenbach, John Koenig, Abraham Rieser, Abraham B. Tobias, George Maurer, George Metler, Reuben Harbine, Abraham Harbine, John Zacharias, John Zacharias, jr., Jonathan Koenig, Jonas Shalter, Samuel Mengle, George Schalter, George Fox, William Dunkle, Jacob Kalbach A. W. Kauffman, Dr. D. L. Beaver, Peres Hehn, Jacob S. Ebling, Jacob Ahrens, Dr. J. H. Spatz, and Jonathan Bittner, be, and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in one English and one German newspaper printed at Reading, Berks county, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one is appointed, and the residue of said subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and managers of the company may direct.

SECTION 2. When one hundred shares are subscribed the persons holding the same are hereby created and incorporated into a company by the name, style, and title, of "The Stout's Ferry Bridge Company," in the county of Berks, and by that name those who have subscribed and those that may thereafter subscribe, shall have perpetual succession with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if

such enlargement shall be found necessary to build the bridge or fulfil the intent of this act, and of purchasing and holding to them and their successors, lands, tenements, hereditaments, and estates in fee simple, or any real or personal estate they may think proper, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice.

SECTION 3. That the capital stock of said company shall not exceed ten thousand dollars, which shall be divided into shares of ten dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such period and in such instalments as the directors of said company may order or determine. Capital stock.

SECTION 4. As soon as one hundred shares of the said capital stock shall be subscribed, it shall be the duty of the commissioners to give notice in one English and one German newspaper printed in Berks county of the time and place of meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot in person or by proxy one president, six directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this Commonwealth, for the well-ordering of the affairs of said company, and fixing upon the site or location of said bridge, and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election, and the stockholders shall meet on the second Monday in January in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year. Organization.
Officers.
By-laws.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or by attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company, in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid. And the president and directors shall meet at such times and places as shall be agreed on, for the transaction of business; at such meetings four members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, and agents as they shall think necessary, to construct a bridge across the Schuylkill river at or near Stout's ferry, in Berks county, and to complete the same and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and do and transact all things by this act and the by-laws or regulations of the company that may be lawful. Annual meet-
ing.
Certificates of
stock.

SECTION 6. It shall be lawful for the president and directors, their superintendents, engineers, and workmen, to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber or dig gravel, quarry stone, or gather sand necessary for building said bridge, also to enter thereon with wagons, carts, May enter upon
lands, &c.

- Damages, how ascertained. sleds, sleighs, or beasts of burden or draught, and take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties; and if the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choice, then said freeholders shall on application be appointed by any justice of the peace within the county not interested, who after being sworn or affirmed, shall assess or appraise the damage and make report thereof to the justice of the peace who appointed them. And the said directors or other persons by them employed, after the tender of the appraised value to the owner, may enter, chop, dig, quarry, and carry off any material necessary in the building or repairing said bridge: *Provided*, That said company shall not enter upon any land or lands, or take possession of any property or materials without making compensation to the owner or owners thereof, or giving adequate security therefor.
- Proviso. SECTION 7. The president and directors of the said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act, and also of all moneys by them expended, and all voluntary contributions to said company, and shall at least once a-year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.
- Accounts. SECTION 8. When a good and complete bridge is erected over said Schuylkill at the place aforesaid, the company, their successors or assigns, may demand and receive toll from travelers and others crossing the same, not exceeding the following rates: For every score of sheep four cents; for every score of hogs six and a-fourth cents; for every score of horn cattle twelve and a-half cents, and so in this proportion for greater numbers; for every horse or mule laden or unladen, with rider, three cents; for every chair, chaise, or sulkey with two wheels and one horse, six and a-fourth cents—the same with two horses, nine cents; for every dearborn wagon with one horse six and a-fourth cents; for every chaise, coach, phaeton, chair, stage, wagon, coachee, or light wagon with four wheels and two horses, twelve and a-half cents; for either of the last-named carriages or vehicles with four horses eighteen and three-fourth cents; for every other carriage of pleasure under whatever name it may go, the like sums of toll according to the number of wheels or horses drawing the same; for every sled or sleigh three cents for each horse drawing the same; for every cart, wagon, or other carriage of burden four cents for each horse drawing the same, and two oxen shall be rated as one horse or mule; for every foot passenger crossing the bridge one cent. And they shall cause to be put up and kept in some conspicuous place at the gates of said bridge, a list of the rates of toll: *And provided*, That the bridge shall be so constructed so as not to injure or obstruct in any manner the navigation of the Schuylkill river.
- Tolls. SECTION 9. That if any person shall wilfully cut, destroy, or break or remove from off said bridge or any part thereof any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof.
- Proviso. SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the
- Penalty for injuring bridge.
- Accounts.

SECTION 11. If said company shall not commence the erection of said bridge within two years, and complete the same within five years, this act shall become null and void, excepting so far as may be necessary to settle up the affairs of the company.

SECTION 13. That the said marshal of police and the presidents of the councils of the city of Philadelphia, and the presidents of the respective boards of commissioners of the incorporated districts comprising the said police district for the time being, shall form a board of police of which the said marshal shall be the president, and of whom a majority shall form a quorum for the transaction of business; and the said board shall from time to time make such rules and regulations for the proper government of the police establishment of the said "police district" as they may deem expedient; and the said board may from time to time determine upon the number of policemen that shall be nominated and appointed in and for the city of Philadelphia and the several districts embraced in the said "police district" respectively, agreeably to the provisions of the sixteenth section of the act entitled "An Act to regulate the municipal elections in the city of Philadelphia and to establish an uniform system of police for the city of Philadelphia and the districts of Southwark, Moyamensing, Spring Garden, Penn township, the incorporated Northern Liberties and Kensington," approved the third day of May, Anno Domini, one thousand eight hundred and fifty, and that the seventeenth section of said act be, and the same is hereby repealed: *Provided*, That the sheriff of the county of Philadelphia shall be required to call a meeting of the said board of police within twenty days after the said marshal shall have been duly qualified, by an advertisement published in at least three of the daily papers published in the city of Philadelphia: *And provided further*, That nothing contained in this or any other act shall be so construed as to prevent the said marshal and policemen from suppressing riots and preserving the peace in other parts of the county of Philadelphia than those comprised in said "police district": *And provided further*, That nothing contained in this or in any other enactment of the Legislature shall be construed to prevent the city of Philadelphia, or either of the incorporated

Board of police,
how arranged.

PROVISO.

districts of the county from appointing and having under its exclusive control such additional policemen as may be deemed necessary for ordinary police purposes.

Extension of
wharves on the
Delaware.

SECTION 14. That no enactment of the Legislature heretofore made shall be construed to authorize the building or extension of wharves in the river Delaware in front of the city and county of Philadelphia, or the establishment of wharf lines, unless said wharves and lines shall first be approved by the board of wardens for the port of Philadelphia.

Commissioners
of Kensington
District of
Northern Liber-
ties to elect
twelve school
directors.

SECTION 15. The commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, at the next annual election in one thousand eight hundred and fifty-one for school directors of the tenth section of the first school district, shall elect twelve school directors in addition to the number now authorized by law, so that the board of school directors for said tenth section shall consist of twenty-four members, and of the additional directors to be chosen as aforesaid four shall serve three years, four shall serve two years, and four shall serve one year, and annually thereafter said commissioners shall elect eight school school directors who shall serve for the term of three years.

Relative to toll-
houses on Darby
turnpike and
plank road.

SECTION 16. That the sixth section of "An Act authorizing the Governor to incorporate the Darby Turnpike or Plank Road Company, and relative to turnpike roads in the county of Philadelphia," approved April nineteenth, one thousand eight hundred and fifty, shall not be construed as to apply to any toll house located wholly within and upon the territory of any township or borough in said county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 516.

AN ACT

To incorporate the Hempfield Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* S. L. Carpenter, Henry Welty, H. Y. Brady, H. D. Foster, J. M. Burrell, John C. Plumer, David Fullwood, Joseph H. Kuhns, John Morison, A. T. King, William Jack, and H. C. Marchand, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say they or any three of them shall procure a sufficient number of suitable books and in each of them enter as follows, to wit: "We and each of us whose names are here-

Commissioners.

unto subscribed do promise to pay to the directors of the Hempfield Railroad Company the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions and at such time and places as shall be determined and directed by the said directors, in pursuance of an act entitled "An Act authorizing the Governor to incorporate the Hempfield Railroad Company." Witness our hands the

Form of subscription.

day of Anno Domini, one thousand eight hundred and

and shall thereupon give notice in two newspapers printed in the county of Westmoreland three weeks at least of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the said books in their own name or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid at least six hours in every juridical day for the space of six days, until there shall have been subscribed four thousand shares; and if at the expiration of six days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the book or books elsewhere until the whole number of four thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed then the books shall be closed. But no subscriptions shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same the sum of five dollars on each share for the use of the company.

Books to be kept open six days, &c.

SECTION 2. When one thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate the Governor shall by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time then those also who shall thereafter subscribe, to the whole number of shares aforesaid, into a body corporate and politic in deed and in law, by the name, style, and title, of "The Hempfield Railroad Company," and by the same name the subscribers shall have perpetual succession and all the privileges, franchises, and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold, and enjoy, to them and their successors and assigns, lands, tenements, and hereditaments, goods, chattels, and all estates, real, personal, and mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien, and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges, or franchises, but such as may be necessary or incident to the making and maintaining

Letters patent.

Style.

Privileges.

Proviso.

the said railroad, and to the conveyance of passengers and the transportation of goods, merchandize, and commodities thereon.

Directors.

SECTION 3. For the management of the affairs of the said corporation seven directors shall be elected by ballot annually, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year or until other directors be elected, and shall have power to make such by-laws, rules, orders, and regulations, not inconsistent with the Constitution and laws of the United States and of this Commonwealth, as may be necessary for the well-ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that every such election and in all other cases in which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also that in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Proviso.

Who may vote
at elections.

SECTION 4. No share of stock shall be entitled to a right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears absolutely and bona fide in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership corporation or society of which he or she may be a member, and not in trust for the use and benefit of any of other person; that no share or shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election; and no share or shares shall be entitled to vote at an election or at any general or special meeting of the said company on which any instalments or arrearages may have been due and payable more than twenty days previously to the said election or meeting; and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

Proviso.

Organization.

Annual meet-
ing.

Proviso.

SECTION 5. The aforesaid commissioners, or a majority of them, shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing seven directors as provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in November, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time on notice as aforesaid. That until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy from death or resignation of any director, his place shall be filled by the board of directors.

Quorum.

Officers.

SECTION 6. The said directors shall meet at such times and places and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who in the absence of the president may appoint a president pro tem., the said

directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner, and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person failing to pay any instalment so required to regulate tolls, to make such covenants, contracts, and agreements with any person, co-partnership, or body politic whatsoever, as the execution and management of the works and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company.

SECTION 7. The directors first chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject, however, to all the payments due and grow due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for by the by-laws.

SECTION 8. At each annual meeting of the stockholders the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meetings unless a majority in value of the stockholders shall attend in person or by proxy.

Directors to exhibit annually a statement of affairs, &c.

SECTION 9. The said company be, and they are hereby authorized to locate and construct a railroad with one or more tracks from Greensburg, in Westmoreland county, to some point or place at or near to West Newton in said county, or to some point or place not more than three miles from West Newton by the nearest and best route; and the said company shall have authority to extend said road or a branch thereof by the nearest and best route to some point or place on the western boundary line of Donegal township, in Washington county, and to make, construct, and erect such ware-houses, toll-houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company in the use of said road.

Location.

SECTION 10. It shall and may be lawful for the said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of the said railroad, doing thereto no unnecessary damages. And when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, and to construct such bridges and viaducts and depots as they may deem necessary.

May enter upon lands.

SECTION 11. When the said company cannot agree with the owners of such required land for the purchase thereof, or where by reason of legal incapacity of absence of any such owner or owners no such agreement or purchase can be made, the Court of Common Pleas for the proper county, on application thereto by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and

Damages for lands, &c., how to be ascertained.

shall issue a precept to the sheriff of the said county to summon the said twelve persons to meet on the lands so required, or from whence the said materials shall or may be taken at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties; and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall in the case of land so required, administer to each of them an oath or affirmation that he will faithfully, justly, and impartially value the land occupied or required for such railroad or other works, and all damages which the owner or owners shall sustain or may have sustained by reason of the construction of the said railroad and other works, taking into consideration the advantages as well as the disadvantages of the same to the said owner or owners according to the best of his skill and judgment; and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly, and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such railroad and other works to the said owner or owners according to the best of his skill and judgment, whereupon the said persons shall proceed to view the land so required, or the place from whence such material shall or may be taken, as the case may be, and to hear the evidence of the respective parties; and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff within five days thereafter to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services as are allowed on the execution of an order issued by the Orphans' Court for the valuation of lands of an intestate, under the intestate laws of this Commonwealth: *Provided*, That if the proper officer of the said company, at any time before application made by any person having sustained damages by reason of the construction of said railroad, in the manner hereinbefore directed, shall tender to such person a sum of money in full compensation of his damages, said company shall not be liable for costs on any subsequent proceeding, unless such person shall recover a verdict more favorable than the previous tender of said company.

Proviso.

Either party may except, and Court of Common Pleas to determine.

SECTION 12. Either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the Court of Common Pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right; and if no such exception be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given; but if any such verdict be set aside by the court, a new precept shall issue to the sheriff in the manner before specified: *Provided*, That upon the subsequent proceedings if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Company to keep up crossings on public roads.

SECTION 13. It shall be the duty of the said company to construct and keep in repair good and sufficient passages across the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons, and cattle along the said roads shall not be obstructed; and also when the said railroad shall intersect

any farm, to provide and keep in repair a suitable passage for the use of the said farm.

SECTION 14. On the completion of the said railroad, the same shall be esteemed a public highway for the conveyance of passengers and transportation of merchandize and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property as they shall from time to time think reasonable.

Declared a highway.

SECTION 15. If any owner or driver of any car, carriage, wagon, or conveyance on the said railroad, shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt before any justice of the peace in like manner and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Penalty for avoiding payment of tolls.

SECTION 16. Dividends of so much of the profits of the company as shall appear advisable to the directors shall be declared in the months of May and November in each year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired. And if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring of such dividend.

Dividends.

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Actions for penalties limited to one year.

SECTION 18. If any person or persons shall wilfully and knowingly break, injure, or destroy the said railroad, or any part thereof, or any work, edifice, or device, or any car, locomotive, or appendage thereto, or any part thereof to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she, or they, shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof, by action of debt in the name and for the use of the company.

Penalty for injuring any part of work.

SECTION 19. If the said company shall not commence the construction of the said railroad within the term of three and complete the same within the term of ten years from the passage of this act, then this charter shall be null and void.

Time of commencement and completion.

SECTION 20. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, or to lay another track, or for any other purpose relative to said road or the extension thereof, it may be lawful for the said president, managers, and company, at a stated or special meeting convened for the purpose, to in-

May increase stock.

crease the number of shares to such an extent as they may deem necessary, and to receive and demand the moneys for shares so subscribed in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Annual statement to be transmitted to Auditor General.

SECTION 22. That the president or secretary of the said company shall annually, on the first Monday of December, transmit to the Auditor General a full statement, under oath, of the affairs of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

[1851.]

No. 381.

AN ACT

To incorporate the Lafayette Railroad Company, and relative to Gray's Ferry road in the county of Philadelphia, to reduce the shares of stock in the Bellefonte, Aaronsburg, and Youngmanstown Turnpike Company, relative to the Farmers' Hay and Straw Market Association in Philadelphia, to an election district in Westmoreland county, to authorize the commissioners of Philadelphia county to borrow money, relative to the appointment of a trustee for Elizabeth Hoge, to authorize George W. Linville, trustee of James and Alexander Lee, to sell certain real estate, conferring on the Court of Common Pleas of Schuylkill county chancery powers and jurisdiction, to authorize the fixing of a county line between the counties of Luzerne and Carbon, relative to mortgages and assigns of mortgages, and providing for the appointment of road viewers in the county of Northumberland, and relative to the repeal of a section in reference to bridges in Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph Morse, Joseph Morse, Jr., Daniel Kingsbury, Samuel W. Bradley, of M'Kean county, Andrew C. Hull and Alpha Morse, of Angelica, New York, and Samuel H. Barnes and John J. Phelps, of the city of New York, or any two of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title, of "The Lafayette Railroad Company," with all the powers and subject to all the provisions and restrictions

Commissioners.

Style.

prescribed by an act entitled "An Act regulating railroad companies," Subject to provisions of certain act.
approved the nineteenth day of February, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of twenty-five hundred shares of fifty dollars each: *Provided*, Said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and to carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That said company shall have the right to build or construct a railroad from the State line in the valley of Tunianguant, in the county of M'Kean, up said valley by such route as to the president and directors shall seem best, to the coal mines in the town of Lafayette, and east of Lafayette corners in said county of M'Kean, with the privilege of such branches in the counties of M'Kean, Potter, and Elk, as they may need for the use of said mines. Said railroad to be commenced within two and completed within ten years from the passage of this act. Powers.

SECTION 4. That so much of the sixth section of an act entitled "An Act to authorize Jonathan W. Swain, the guardian of Anna Maria Agnuc, a minor and only child of Albert D. Agnuc, deceased, and for other purposes," passed March twenty-sixth, one thousand eight hundred and fifty-one, as requires the district of Moyamensing, in the county of Philadelphia, to pay for the regulating and grading of the side-walks on the Gray's Ferry road from Federal street to the abutments of Gray's Ferry bridge, be, and the same is hereby repealed. Gray's Ferry road, relative to

SECTION 5. That the board of managers of the Bellefonte, Aaronsburg, and Youngmanstown Turnpike Company, be, and are hereby authorized to apply their dividends to the reduction of the number of the shares of stock of the said company: *Provided*, That such reduction shall not exceed the number of four hundred shares. Bellefonte, Aaronsburg, and Youngmanstown Turnpike Road Company.

SECTION 6. That the provisions of "An Act to incorporate the Farmers' Hay and Stray Market Association in the county of Philadelphia," approved April thirteenth, eighteen hundred and thirty-eight, shall extend to all persons who are stockholders of said association who shall be entitled to share in common and upon the same terms all rights and privileges that are now or may hereafter be enjoyed by any other person or persons who are members of said association. Farmers Hay and Straw Market Association, relative to.

SECTION 7. That all that part of Hempfield township, in the county of Westmoreland, including the following boundaries, to wit: Beginning at the township line near Mechling's mills in said township, from thence to John Herrold's, from thence to Michael Isaman's, from thence to intersect the line of the New Stanton district at the house of Andrew Rosenstats, be, and the same is hereby attached to the New Stanton election district for election purposes. Hempfield township, Westmoreland county, relating to elections in.

SECTION 8. That the commissioners of Philadelphia county are hereby authorized and directed to borrow, on the credit of the county, the sum of thirty thousand dollars, at a rate of interest not exceeding six per centum per annum, said loan to be redeemable in twenty years. But no certificate of stock shall be issued for any fractional part of one hundred dollars: *Provided*, That the money so borrowed shall be appropriated by the county board to pay the present indebtedness of the county prison. Commissioners of Philadelphia county authorized to borrow money.

SECTION 9. That it shall be lawful for the Court of Common Pleas of the city and county of Philadelphia, on the petition of Elizabeth Hoge, to appoint a trustee for her and any children she may have, to take such security as the said court may approve as adequate and safe and children. Appointment of trustee for Elizabeth Hoge and children.

by mortgage or ground rents, to secure the legacies bequeathed to or for her children by the will of her father, the late Rev. Thomas Hoge; and upon such security being given with the approval aforesaid, the said trustee and Elizabeth Hoge may execute and deliver unto the said Thomas H. Hoge a full release and discharge of said legacies or charges created by the will of the said Rev Thomas Hoge, on all the real estate and personal effects by him devised and bequeathed unto the said Thomas H. Hoge, by will dated the twentieth day of June, Anno Domini, one thousand eight hundred and forty-six; and the said Thomas H. Hoge shall be enabled to hold, sell, dispose, and devise said property and estate, clear and discharged of said legacies and charges, except only so far as he may by mortgage or ground rent incumber any part thereof, for the purpose aforesaid.

Trustee of
James and Alex-
ander Lee au-
thorized to sell
real estate.

SECTION 10. That George W. Linville, who was on the twenty-third day of December, eighteen hundred and fifty, appointed by the Court of Common Pleas of the city and county of Philadelphia, trustee of James Lee and Alexander Lee, be, and he is hereby authorized and empowered at public or private sale to sell and convey in fee simple, or otherwise, the whole or such part and parts as he may deem expedient of the property and estate, hereditaments, appurtenances, and premises of which he the said George W. Linville, by his said appointment, is trustee under the last will and testament of William Lee, deceased, or under any conveyance or assurance made by the said William Lee in his lifetime in trust for the said James and Alexander, or either of them, and to convey to the purchaser and purchasers thereof as good and valid estate or estates in the premises as the said William Lee was at any time seised of and entitled to both in law and equity, and discharged from the trusts of his said will and of such conveyance or assurance, and without any obligation on the part of the said purchaser and purchasers to see to the application of the purchase money: *Provided*, That the said money or security or securities received in payment therefor shall be held by the said trustee and his successors in the trust, in such manner as the said Court of Common Pleas may approve or direct, for the same uses, intents, and purposes as are declared and appointed in respect to the said property and estate, in and by the said last will of the said William Lee or any conveyance or assurance thereof in trust for the said James and Alexander, or either of them, made by him the said William Lee in his lifetime: *Provided*, That said trustee shall give security, to be approved by the Court of Common Pleas of said county, for the faithful application of the proceeds of said sale or sales: *And provided further*, That the said court shall approve of said sale or sales.

Bridges in Le-
high county, re-
lating to.

SECTION 11. That the second section of an act entitled "An Act to establish a uniform line along the river Delaware in front of the incorporated district of the Northern Liberties and Kensington, in reference to county bridges and for other purposes, enumerated in the title to the same," approved the sixteenth day of April, one thousand eight hundred and forty-eight, whereby an action for work, labor, and service done and performed, and materials found and delivered in cases where bridges have been or may be erected for a county, and deviations from or alterations in the plan contracted for have been made by the directions of the county commissioners, and the commissioners and the builder cannot agree upon the compensation, be, and the same is hereby repealed: *Provided*, That the repeal of this act shall operate upon contracts, express or implied, made with the commissioners of Lehigh county alone.

SECTION 12. That the Court of Common Pleas of Schuylkill county

shall have and exercise all the like chancery jurisdiction and powers that are conferred upon any other court of this Commonwealth; and in all cases an appeal may be taken to the Supreme Court for the Eastern District from the final decrees of the said court in suits of equity, on the same terms and conditions as are provided in cases of appeal from the decrees of the Court of Common Pleas of the city and county of Philadelphia.

SECTION 13. That J. W. Rhoads and Jacob Alabach, of Luzerne county, Henry Boyer, junior, and Jacob S. Wallace, of Carbon county, and William B. Lebo, of Schuylkill county, be, and they are hereby appointed commissioners to run, mark, and establish the county lines between the counties of Carbon and Luzerne. The said commissioners shall be governed by the same law, in prosecuting their commission, as is laid down in the eleventh, twelfth, thirteenth, fourteenth, and fifteenth sections of an act entitled "An Act to incorporate the town of Port Clinton, in Schuylkill county, into a borough, to ascertain and fix the boundary line between the counties of Berks and Schuylkill, to a State road from Reading to Waynesburg, and to change the place of holding the general election in Douglas township, Berks county," approved the fifteenth day of April, Anno Domini, one thousand eight hundred and fifty, as far as consistent with the duties to be performed. The expense to be paid by the counties of Carbon and Luzerne, each paying one-half of the same.

Court of Common Pleas of Schuylkill county, chancery powers granted to.

Commissioners.

Authorized to run county lines between Carbon and Luzerne counties.

SECTION 14. That the mortgagors in any mortgage, or the assignees in any deed of assignment in trust for the benefit of creditors, shall have the right upon application to the Court of Common Pleas of the county where the land mortgaged or assigned is situated, by bill or petition setting forth the facts, to pay into court the amount of money claimed by the said mortgagee or trustee under the mortgage or assignment, stating if any objections to the claim of such mortgagee or assignee; and the court upon payment of the said amount claimed into court, shall order and decree that satisfaction shall be entered upon said mortgage, or that the assignee or assignees shall re-convey the assigned property, and the court shall proceed to hear and determine the objections to the payment of any part of the money in court as right and justice shall belong, and shall decree accordingly.

Mortgages and assigns of mortgages, relative to.

SECTION 15. That the second section of an act passed the twenty-seventh day of February, Anno Domini, eighteen hundred and forty-nine, entitled "An Act declaratory of the act of Assembly, entitled 'An Act declaring obstructions to private roads to be a public nuisance, and for other purposes, &c., &c.," shall only continue in force and be operative in the county of Northumberland until the first day of November next; and that after that time the road and bridge viewers and reviewers in said county shall be appointed under and in pursuance of the provisions of the act of thirteenth June, eighteen hundred and thirty-six, entitled "An Act relating to roads, highways, and bridges," and the other general road and bridge laws of this Commonwealth.

Road viewers of Northumberland county, relative to.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 382.

AN ACT

Relating to the sale and conveyance of and confirmation of the title to certain real estate, incorporating the Central Coal Company, and authorizing the opening of Marion avenue, in the county of Philadelphia.

Preamble.

WHEREAS, Christopher Frederick Hermann, late of the county of Philadelphia, devised his residuary of estate in trust to apply the rents of the real estate, or so much as should be necessary, for the purposes of the will during the term of the lives of his father and mother and the survivor of them, and after the decease of the survivor to sell and dispose of all his real estate at public or private sale, and to convey the same or any part thereof in fee simple;

And whereas, The said mother is deceased, and the said father, it is represented, is believed to be dead, having been unheard of for a long time, and when last seen was very aged and infirm in health; therefore,

John Hermann,
trustee, author-
ized to sell real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Hermann, the present trustee under said will, be authorized to exercise the said power of sale, and grant and convey the said real estate with the same effect as if it were certain that both the said father and mother of said testator were dead: *Provided*, That said trustee shall give security satisfactory to the Orphans' Court for the said county, and to be filed of record, to furnish and supply the same maintenance and support for the said father as is bequeathed and provided by said will, in case he shall re-appear, and safely to apply the purchase money: *And provided*, That all other parties under the said will shall have the same interest and advantages under the said will as to the proceeds of the said real estate, as if sold after the death of both said testator's parents, but without any obligations on the part of the purchasers to see to the appropriation of said purchase money.

Joseph B.
Hutchison and
David B. Wood-
ward authorized
to sell certain
lands.

SECTION 2. That Joseph B. Hutchison, the son-in-law, and David B. Woodward, the son of John S. C. Woodward, late of the township of Plum Creek, in the county of Armstrong, deceased, be, and they are hereby authorized and empowered to grant, bargain, and sell in fee simple or otherwise, either at public or private sale, and to convey by deed or deeds in due form to the purchaser or purchasers thereof, free and discharged from all trusts, that certain tract of land, or any part thereof, situate in the township of Plum Creek, in the county of Armstrong, adjoining lands of John Ralston on the north, Joseph Henderson on the south-east, and Crooked creek on the south and west, containing about one hundred and fourteen acres, more or less, and warranted in the name of William Cowder: *Provided*, That the said Joseph B. Hutchison and David B. Woodward give a bond with sufficient security, to be approved by the Orphans' Court of said county, conditioned for the faithful discharge of their duties and the application of the proceeds of the sale of said real estate, and distribution of the same to and among the heirs and legal representatives of said deceased, under the direction of the Orphan's Court aforesaid: *And provided also*, That such sale or sale shall first be approved by said court.

SECTION 3. That James R. Crawford, of Fayette county, guardian of his minor son, George G. Crawford, is hereby authorized and empowered to sell two certain lots of ground situated in Luzerne township, Fayette county, on the Morgantown road, near Bridgeport, the property of the said George G. Crawford, upon the said guardian giving security, to be approved by the Orphans' Court of Fayette county, for the faithful application of the money arising from the sale of said lots: *And provided also*, That all such sales shall first be approved of by said court.

Guardian of G.
B. Crawford
authorized to
sell.

SECTION 4. That John Lucas, husband of Martha Wiley, late Martha Lucas, deceased, be, and he hereby is authorized to perfect the title to the purchaser of the real estate of Robert Wiley, late of Centre county, situate in Walker township, in said county, by executing, acknowledging, and delivering a deed of conveyance to William Carnm, the purchaser, according to the terms and condition of sale, as fully and effectually as if the said Martha Lucas had joined in executing the same.

John Lucas au-
thorized to per-
fect title to cer-
tain real estate.

SECTION 5. That A. J. Detrick, A. Robinson, S. F. Headley, Michael Meylert, N. G. Westler, James Deegan, and William H. Wooden, or any four of them, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate by the name, style, and title, of "The Central Coal Company," for the purpose of mining coal, and for the transacting the usual business of companies in the mining, transporting to market, and selling of coal and the other products of coal mines. And the said corporation by the said name is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this Commonwealth, and generally to do and execute for the well being of said company whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges; but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided also*, That each stockholder shall be liable in his individual capacity for the debts and performance of all contracts entered into by the said company to the amount of the balance unpaid on the stock of said company so that the whole capital stock of said company, whether paid in or not, shall be liable for the said debts and contracts.

Corporators.

Style.

Privileges.

Proviso.

SECTION 6. The said company shall have the right to hold either by purchase or lease not exceeding three thousand acres of land at any one time in the county of Sullivan and Luzerne, in this Commonwealth, and the same or any part thereof to sell or otherwise dispose of as the interest of the company may require: *Provided*, That the said company may hold as above such lot or lots of land not exceeding five acres in any one place, as may be found convenient, as places of deposit in the transportation and sale of the products of their mines.

May hold 3,000
acres of land.

Proviso.

SECTION 7. The capital stock of said company shall be and consist of three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid with the improvements, if any thereon, and in constructing such other improvements, building cars, boats, engines, and machinery as may be necessary or useful for the mining, transporting, and sale of coal, and in the payments of such salaries, wages, and other expenditures as shall be requisite for the purposes of the company; and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

Capital stock.

SECTION 8. When the above-named A. J. Detrick, A. Robison, S. F. Headley, Michael Meylert, N. G. Westler, James Deegan, and William H. Wooden, or any four of them, and their associates shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than ten per cent. of the capital aforesaid in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor on due evidence thereof shall by letters patent under his hand and the seal of the State, create and erect the said A. J. Dedrick, A. Robinson, S. F. Headley, Michael Meylert, N. G. Westler, James Deegan, and William A. Wooden, or any four of them, and their associates, successors, and assigns, into one body corporate by the name, style, and title, of "The Central Coal Company."

SECTION 9. That the affairs of said company shall be managed by five directors to be chosen annually from the stockholders; the first election shall be held at the dwelling house now occupied by A. Robinson, in Cherry township, Sullivan county, within thirty days letters patent shall have been issued, of which election public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks prior thereto, in one newspaper printed in the city of Philadelphia, one in the county of Luzerne, and by one printed in the county of Sullivan, if there shall be a paper there printed in said county of Sullivan; and the subsequent elections shall be held annually at such time and place as the directors shall determine, of which election at least thirty days' notice shall be given by the president or some officer of the company, in such manner as the directors shall from time to time determine: *Provided*, That in the event of a failure to hold an election, the former directors may continue in office until such election shall be held.

SECTION 10. That the election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following; that is to say, for each share and not exceeding four shares one vote; for every two shares above four and not exceeding ten one vote; for every four shares above ten and not exceeding thirty one vote; for every ten shares above thirty and not exceeding one hundred one vote; for every twenty shares above one hundred one vote. No share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears in his own right or that of his wife, or for his or her sole use and benefit, or as executor, administrator, trustee, or guardian, or in the right or for the use and benefit of some co-partnership society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

SECTION 11. That the directors shall as soon as convenient after their election, choose one of their number as president to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation, or otherwise, until the next annual election. At all meetings of the board three directors shall form a quorum to transact business.

SECTION 12. That the directors may from time to time call in, on thirty days' notice thereof in at least one newspaper printed in the county of Sullivan or Luzerne, and one daily newspaper printed in the

city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed; and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall in addition to the instalment so called for *her to* pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid the president and directors may at their election cause suit to be brought before *and* alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or general or special meeting of the said company on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

SECTION 13. That dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a-year, and paid to the stockholders or their legal representatives on demand at any time after the expiration of ten days after having been declared; but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired. And if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount of stock so divided, and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to stockholders of the declaring of such dividend.

Dividends.

SECTION 14. That it shall not be lawful for the said president, directors, and company, nor any of their agents, nor any other person whatever employed by or under them or any of them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth, or gravel, or for the felling of timber for the construction and completion of the said road or roads, until the rate of compensation for injury sustained by reason of the construction thereof shall have been previously ascertained and paid, or the amount thereof secured in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation if the parties cannot agree thereon, shall be ascertained in the following manner: By six suitable and disinterested persons to be chosen to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointments within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, or non compos mentis, out of the State or unknown, then it shall be lawful for

To enter upon lands, how and when.

Compensation to owners of lands, how ascertained.

the Court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine, and estimate the injuries or damage, if any, in their opinion may be sustained by reason of said plank road, railroad, or railroads, and report the same under their oaths or affirmation to the said court within ten days thereafter, which report if confirmed by said court judgment shall be entered thereon. And the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damage, the advantages to be derived by said owners of said lands by means of said railroads: *Provided*, That within thirty days thereafter either party may appeal to the Court of Common Pleas of the proper county in the same manner that appeals are allowed in the other cases.

Proviso.

Legal process served on agent, &c., declared valid.

SECTION 15. That any legal process served on any agent or manager of said company is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

May construct plank or railroads.

Proviso.

SECTION 16. That the said company hereby incorporated shall have power to construct plank roads or railroads with one or more tracks from any point or points on their lands, to intersect the North Branch canal or any other of the State improvements or works connected therewith: *Provided*, That the said company shall not prevent any person or persons, company or companies hereafter incorporated, being the owners of land bordering on the said railroad or railroads or adjacent thereto, from making lateral railroads, and connect them with the said lands as the said person or persons, company or companies, may conceive necessary for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll; that is to say, on each ton of produce, coal, or other minerals, or of any other goods, wares, and merchandize, or commodities of any kind whatsoever not exceeding two and a-half cents per ton per mile, on each not employed in drawing a carriage or car on which toll is charged one cent per mile, on each horse and its rider not exceeding one cent per mile, on every person drawn in a car or carriage other than the rider not exceeding one cent per mile, and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton, and all fractions of half a mile in distance to be rated at half a mile; and besides the tolls to be so charged it shall be lawful for the said company to demand and receive for the use of the collector of tolls on said road or roads for the time being, as a compensation for weighing and booking all coal or minerals which may pass over said road or roads, the further sum of not exceeding on cent per ton on the said coal or other mineral transported on said road or roads, in consideration of which he shall at all reasonable times when so requested, exhibit to any person or persons interested therein the account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward; and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines, and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open for the

Toll.

uninterrupted passage of the cars of every person desiring to travel thereon.

SECTION 17. That this act shall continue and be in force until the first day of May, in the year of our Lord, one thousand eight hundred and seventy-five: *Provided*, That it shall be lawful for the Legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any or every part of this act.

Act continued
until 1875.

SECTION 18. That the said company shall be required to pay to the State Treasurer for the use of the Commonwealth, upon the receipt of its charter, the sum of two hundred dollars.

To pay \$200 to
the State on
receipt of char-
ter.

Whereas, Timothy Paxson, late of the city of Philadelphia, deceased, by his last will and testament bearing date the twenty-second day of February, Anno Domini, one thousand eight hundred and thirty-nine, duly proved and of record in the office of the register of wills for the city and county of Philadelphia, did amongst other things devise to Elihu Pickering, Oliver Parry, and Alexander Derbyshire, and the survivors and survivor of them, and the executors and administrators of such survivor, a house and lot of ground situate on the west side of Front near New street, in the city of Philadelphia, being the testator's then present dwelling house, in trust nevertheless for the use and benefit of his son Edward, and to permit him and his family to occupy the same during his life, and after his decease to convey the same to and among the children of his said son Edward, him surviving, and the issue of any of them that may have died before him as tenants in common, the issue of any deceased child to take equally among them only the share which the parent would have had if he or she had survived the said Edward;

Preamble.

And whereas, The said house was destroyed by fire on the ninth day of July last, by reason whereof the premises are no longer of any benefit to the said Edward Paxson and his family, and the said Edward Paxson and the said Oliver Parry and Alexander J. Derbyshire, his surviving trustees, have represented to the Senate and House of Representatives that it is for the interest of the said Edward Paxson and his children that the said lot of ground should be sold so as to be made productive of income; therefore,

SECTION 19. That the said Oliver Parry and Alexander J. Derbyshire, surviving trustees as aforesaid, be, and they are hereby authorized to grant, bargain, and sell to any person or persons, in fee simple, the lot or piece of ground aforesaid, and to make, execute, and deliver a good and sufficient deed or deeds to the purchaser or purchasers thereof, discharged from any and every use, trust, provision, or limitation created by the said will, and from any obligation on the part of the purchaser or purchasers to see to the application of the purchase money; the proceeds of said sale to be invested and kept invested by the said trustees, and held upon the same uses and trusts as the said lot or piece of ground is now held under the said will; and the said Oliver Parry and Alexander Derbyshire are also authorized, if they see fit, to sell and convey the said lot of ground, reserving an annual ground rent or rent charge thereon, such ground rent or rent charge when reserved to be likewise held upon the same uses and trusts as the said lot of ground is now held under the said will: *Provided however*, That said sale or sales shall be first approved by the Orphans' Court of the County of Philadelphia, and that the said trustees shall give security, to be approved by said court, for the proper distribution of proceeds of said sale.

Oliver Parry
and Alexander
J. Derbyshire,
trustees of Ed-
ward Paxson,
authorized to
sell real estate.

SECTION 20. That the Prothonotary of the Court of Common Pleas for the city and county of Philadelphia is hereby directed and required

Prothonotary of Court of Common Pleas of Philadelphia county to record deeds of partition.

to have copied and recorded in proper books all the deeds of partition and other deeds remaining of record in his office, and any plans that may accompany the same, to which he shall prepare a general alphabetical index of the names of the parties to such deeds—the cost of said books and said copying to be paid by the commissioners of said county, and shall not exceed in proportion, per word, the price paid the Recorder of Deeds of the said county under the fee bill.

Executors of Philip Wolfersberger authorized to execute deed.

SECTION 21. That John Wolfersberger and Philip Wolfersberger, executors of Philip Wolfersberger, deceased, are hereby authorized to make and execute a deed or deeds in fee simple, for a certain house and lot of ground situate near Palmyra, Lebanon county, sold in pursuance of a certain trust imposed upon said executors by the last will and testament of Philip Wolfersberger, deceased, aforesaid: *Provided*, The proceedings shall first be approved of and confirmed by the Orphans' Court of Lebanon county.

Burgess and council of West Philadelphia to open Marion avenue.

SECTION 22. That the burgess and council of the borough of West Philadelphia are authorized and directed to open Marion Avenue, on the bed of the old West Philadelphia railroad from Parke to Greene streets, of the width of fifty feet: *Provided* That no expense shall be paid by the county of Philadelphia for opening the same.

School directors of 10th district to elect one additional director.

SECTION 23. That the school directors of the tenth section of the first school district of Pennsylvania shall elect one additional controller of public schools, so that hereafter said tenth section shall be entitled to three controllers of public schools of said first school district.

Lots Nos. 554 and 555 in Mill Creek township, Erie county, granted to certain owners.

SECTION 24. That the strip of land lying between the shore of Lake Erie and out-lots number five hundred and fifty-four and five hundred and fifty-five, in the township of Mill Creek, in the county of Erie, be, and hereby is granted to the owners of those lots with the same force and effect as if the same had been included in the original patents of those out-lots; and so much of any act as is inconsistent with this act be, and the same is hereby repealed, so far as relates to the land between said lots five hundred and fifty-four and five hundred and fifty-five, and Lake Erie: *Provided*, That the owners of said lots shall pay to the Commonwealth the same amount per acre as was paid for lots five hundred and fifty-four and five hundred and fifty-five.

Methodist Episcopal Church, of borough of Wattsburg, authorized to sell certain piece of ground.

SECTION 25. That the Methodist Episcopal Church of the borough of Wattsburg be, and it is hereby authorized and empowered to sell and convey all that certain piece or parcel of ground situated in the borough of Wattsburg, bounded as follows: Beginning at the south-west corner of in-lot number fifty-two, in the borough of Wattsburg; thence north by East street ten perches to the north-west corner of in-lot number fifty-four; thence east by in-lot number fifty six eight perches to a post; thence south ten perches to North street; thence west by North street eight perches to the place of beginning, being the west half of in-lots number fifty-two and fifty-four, containing eighty perches of land, and to make a good and sufficient deed therefor, and to apply the proceeds of said sale to the building of a parsonage for said church.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The tenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 383.

AN ACT

To incorporate the Odd Fellows' Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry S Patterson, William Curtis, Samuel Clarke, Howell Hopkins, Thomas Helm, F. Knox Morton, Peter Weikel, H. Witte, Peter Fritz, William Robertson, Charles R. Bicking, James Clark, John G. Michener, Aaron Waters, William M. Allen, C. H. Housekeeper, H. C. Peck, Edward Clark, Joseph P. Fitler, J. Alexander Simpson, John T. Brown, William H. Moore, and Furman Sheppard, Alexander Parvis, and all others who may hereafter associate with them in the manner hereinafter prescribed, shall be a body politic and corporate by the name of "The Odd Fellows' Mutual Insurance Company," and by that name shall have perpetual succession, and may sue and be sued, and have, hold, purchase, receive, and convey real and personal estates (with the limitations hereinafter specified), and may make and use a common seal, and alter and change the same at pleasure, and make by-laws not inconsistent with any existing laws for the management of its property and the regulation of its affairs; but nothing herein contained shall be construed to give unto the corporation any banking privileges.

Commissioners.

Style.

Privileges.

SECTION 2. That in addition to the general powers and privileges of a corporation as the same are declared by the foregoing section, the corporation hereby created shall have the power to insure the respective lives of its members and others, and to make all and every insurance appertaining to and connected with the life risks of whatever kind or nature, and to receive and execute trusts, to make endowments, and to grant and purchase annuities, and also to make insurance either annual or perpetual, against loss by fire on any house, tenement, manufactory, mill, barn, or other buildings, and on goods, wares, merchandize, and effects, and household furniture therein.

May insure lives of members.

SECTION 3. That the power of this corporation shall be vested in fifteen directors, who shall be chosen annually by ballot on the first Monday of May, at an annual meeting to be then held, at which election each member of the corporation shall be entitled to one vote.

Directors.

SECTION 4. That each insurer in or with this company shall be a member thereof during the time of his or her policy, and no longer.

Who are members.

SECTION 5. That the general meeting of this company shall be held annually on the first Monday of May at some convenient place in the city of Philadelphia; and also whenever called by the board of directors, or whenever requested by twenty members, the members shall at such general meeting pass by-laws, rules, or regulations necessary for the well-government of the affairs of the corporation, or vest the power so to do in the board of directors. All elections for directors shall be conducted by three judges chosen by the members present for that purpose, who shall certify under their hands and seals the result of said election, and the same shall be filed with the papers of the corporation.

Annual meeting.

SECTION 6. That the directors so elected shall at their first meeting

Officers.

elect one of their members as president, and shall appoint a secretary and treasurer, and such other agents and officers as may be necessary, and shall fix and determine their fees and salaries, and require such bonds for the faithful discharge of the duties assigned as may be deemed necessary or the interest of the company may require; they shall have full power and authority to suspend, remove, or displace any such officer or agent of the company, and supply any vacancy which may happen by death, removal, or resignation of either of the officers, agents, or members of the board until the next election. At the annual meeting they shall present to the company a general statement of its affairs.

Contracts and policies, how executed.

SECTION 7. That the president and directors shall have full power and authority to make, execute, and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall be necessary, and as the nature of the case shall or may require, and every such contract, agreement, and policy shall be signed by the president, attested by the secretary, and sealed with the seal of the company, and the same shall also be signed and sealed by the party with whom the contract, agreement, or policy is made. They shall fix and determine the rates of insurance and incidental charges.

Profits, how invested.

SECTION 8. That it shall be lawful for said company to employ and invest all money received by them, and the profits thereof, in the purchase of any ground rents or mortgages, or in any loans on good and sufficient security; and no money shall be drawn from the funds of said company for the purpose of making dividends or dividing profits, nor for other purposes than first to pay the current or incidental expenses of the corporation, and then for the payment of such damages as any member or insurance may be justly entitled to; and when the just demand of any insurer in said company, or member thereof, shall exceed the amount of its available funds, such sums as shall be necessary to pay the same shall without unnecessary delay be assessed (by any three members of the board of directors appointed by the president); on the insurance each member to pay in proportion to the amount he has insured, which assessment shall be forthwith published in two of the daily papers of the city of Philadelphia; or at the discretion of the board of directors personal notice thereof shall be served on the several members of the corporation, and every member of the corporation shall pay into the hands of the treasurer his, her, or their proportionable part within forty days after such publication or notice as aforesaid, and in default of such payment he, she, or they and every of them making such default shall forfeit and pay double the said rates, and for neglecting to pay the said forfeiture for fifty days more, may by the directors for the time being be excluded and debarred from any benefits or advantages from her, her, or their insurance respectively, and all right to the stock of this company, and shall nevertheless be liable to said rates pursuant to his, her, or their covenants and agreements.

Damages, how ascertained and paid.

Amount of loss by fire, how ascertained.

SECTION 9. That in case of loss by fire, the insured shall cause notice to be given to the president of the company, who shall appoint a committee of three of the board of directors, whose duty it shall be to examine and inquire into the same, and report to the board as early as convenient the result of their inquiries, and the amount, if any, which the insured are lawfully entitled to receive, whereupon the board shall make immediate provision for the payment thereof.

Policy may be assigned, and how.

SECTION 10. That in case any assured name in any policy or contract of insurance made by said corporation shall sell, convey, or assign the estate or property insured, it shall be lawful for said insured within sixty days thereafter to assign and deliver to the purchaser such policy

or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may maintain a suit thereon in his or her own name: *Provided*, Notice shall have been given to the president or secretary of such assignment, and the assignment shall have been endorsed upon the policy or contract of insurance before any loss shall have occurred, and not otherwise.

Proviso.

SECTION 11. That the net profits arising from interest or otherwise shall be ascertained yearly, and shall be invested as capital of said company until the same shall amount to the sum of one hundred thousand dollars, after which it shall be lawful for the said board of directors to divide the profits thereafter made to and amongst the members in pro rata dividends, according to the amount of the premiums they shall have severally paid.

Profits, how invested.

SECTION 12. That the first fifteen persons named in the act shall constitute the first board of directors, and they shall have power to organize the corporation, appoint a president and other officers and agents agreeable to the spirit of this act, and shall hold their power and authority until the annual meeting of the members, and until an election shall be made for directors according to the provisions of this act, with all the powers contemplated to be vested in the board of directors elected by the members under the authority of this act.

First board of directors.

SECTION 13. That suits at law may be prosecuted and maintained by any member against said corporation for losses or damages sustained insured against by them, if payment is withheld more than sixty days after the company was duly notified of such losses, and no member of said corporation not being in his own individual capacity a party to such suit shall be incompetent as a witness: *Provided*, The directors agree to re-build or replace the property lost or damaged, a reasonable time shall be allowed them so to do.

Suits by member, how maintained.

Proviso.

SECTION 14. That the real estate which it shall be lawful for the said corporation to purchase, hold, and convey, shall be—

May hold real estate, and how much.

First. Such as shall be requisite for its immediate accommodation in the convenient transaction of business.

Second. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

Third. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealing.

Fourth. Such as shall be purchased at sales upon judgment, decrees, or mortgages obtained or made for debts due said company, or for debts due other persons where said company have liens or incumbrances on the same, and the purchase is deemed necessary to save the company from loss on the liens or incumbrances held by it, the said company shall not purchase, receive, hold, or convey real estate in any other case or for any other purpose.

SECTION 15. That if at any time it shall appear that the chartered privileges hereby *granted* are injurious to the public welfare, the Legislature hereby reserves the power to repeal this charter, in such manner, however, as shall not affect any engagement to which the said company may have become a party previously thereto, and the said company shall have a reasonable time to bring its accounts to final settlement.

Repeal.

SECTION 16. That any amendment or alteration of the by-laws may be made at a general meeting of the members by a majority of the whole

Amendment of by-laws.

association: *Provided*, The same is not repugnant to the Constitution and laws of this Commonwealth or of the United States.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 384.

SUPPLEMENT

To an act entitled “An Act to incorporate the congregation of Saint Vincent de Paul, in West Philadelphia.”

WHEREAS, The ground bought for the congregation of Saint Vincent de Paul, in West Philadelphia, incorporated by act passed the second of April, Anno Domini, one thousand eight hundred and forty-nine, has been sold and other ground purchased for said congregation situate on Pine street, in the borough of Germantown, by which it becomes necessary to change the corporate title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the title of said incorporation be changed to “The Congregation of the Mission of Saint Vincent de Paul in Germantown,” and that it shall be authorized to take title to said lands and the Catholic Church now thereon built, and to build on the residue of the ground the buildings, and have and exercise, under the name by this act conferred, all the corporate powers and privileges mentioned in the said act to which this is a supplement.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

CERTIFICATE.

SECRETARY'S OFFICE, }
Harrisburg, June 20th., 1851. }

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the Session ending the 15th day of April, 1851; also an APPENDIX, containing laws passed at the Sessions of 1848, 1849, and 1850, upon which the tax has been paid subsequently to the publication of the Pamphlet Laws of 1850.

A. L. RUSSELL,
Secretary of the Commonwealth.

INDEX.

A.

	PAGE
Abington Turnpike and Plank Road Company incorporated,	284
Academy—Clearfield, relative to election of trustees for,	453
Columbus male and female, incorporated,	605
Coudersport, for relief of,	211
Pennsylvania, at Sunbury, incorporated,	266
Sheafferstown, incorporated,	590
Williamsburg, incorporated,	560
Actions—On notes, bonds, book accounts, &c., relating to,	307
By mortgages for injuries in the nature of waste, &c., relating to,	612
Of debt, relating to,	614
Of ejectment, relating to proceedings in,	614
Of ejectment for unseated lands, relating to,	615
Certain in Carbon county transferred to Bucks county,	619
On notes, bonds, &c., in Schuylkill county, relating to,	625
For damages, for injuries done to the person, relative to,	674
Adams, Asa, for payment of,	685
Adams county—Mutual Fire Insurance Company, incorporated,	630
Union Beneficial Society of Oxford, incorporated,	503
Adams, Nancy, for relief of,	110
Addis, Amos, for relief of,	329
for payment of,	686
Addison and Elkland Plank Road Company incorporated,	102
Adjutant General authorized to furnish the Liverpool Light Artillery Com- pany with a cannon, &c.,	438
Monroe Artillery with a field piece, &c.	607
Agricultural Society, Pennsylvania State, incorporated,	289
Schuylkill county, incorporated,	557
Aldermen, justices of the peace, and constables in Philadelphia, jurisdiction extended,	274
powers of, extended,	568
Allegheny and Manchester Plank Road Company, relative to tolls on,	643
Allegheny city—Authorizing the extension of a certain alley in,	371
Relative to water rents in,	374

	PAGE
Allegheny city—Relative to certain bonds or certificates issued by,	365
Council of, authorized to pave streets, &c.,	372
For the regulation of coal in,	422
Allegheny county—Robinson and Snowden townships, relative to school tax in,	559
Chartiers township, erected,	457
Courts, relating to,	556
Collins township, relative to supervisors and overseers of the poor in,	149
Collins township, place of holding elections in fixed,	42
Elizabeth borough, to restrain the sale of liquors in,	83
M'Nair's township, place of holding elections in fixed,	42
M'Candless township, place of holding elections in fixed,	427
Patton township, place of holding elections in fixed,	42
Pine township, place of holding elections in fixed,	427
Lateral railroads, relative to tolls on,	536
Relative to a certain loan made by commissioners of,	19
certain bonds or certificates issued by,	365
the collection of taxes in Pittsburg,	421
voting in,	421
measurement of coal, &c., in,	422
Parts of Allegheny and Beaver counties, erected into an independent school district,	457
Bridges, relative to,	536
Sheriff of, authorized to sell certain real estate,	4
Relative to tax on dogs in,	541
South Pittsburg, relative to a certain road in,	372
relative to streets in,	708
Tavern licenses for the regulation of,	548
Monongahela wharf in the city of Pittsburg, declared a public landing,	708
Wilkins township, place of holding elections in fixed,	42
Allentown Iron Company incorporated,	485
Alleys—Authorizing the extension of a certain, in Allegheny city,	371
Relative to certain, in the borough of Pottsville,	373
Relative to a certain, in Lancaster city,	466
Relative to a certain, in the Northern Liberties,	640
Allison, James, authorized to send children to Lewistown borough school district,	644
Amendment to the Constitution, resolution relative to amendment of,	758
Anderson Library Association incorporated,	641
Andes, Christiana, authorizing the appointment of a committee for,	648
Andress, Frederick, for payment of,	686
Angue, Anna Maria, guardian of, authorized to sell certain real estate,	250
Appeals by freeholders in Montgomery county, relative to,	316
of tax payers of this Commonwealth, relative to,	616

	PAGE
Appropriations—For expenses of introducing gas, chandeliers, board walk, &c.,	126
For out-buildings to the Pennsylvania State Lunatic Hospital,	186
For re-building Conestoga Bridge,	412
For the House of Refuge,	414
For the Schuylkill County Agricultural Society,	559
Appropriation—General act—Adams, Asa,	676
Addis, Amos,	686
Adjutant General, salary of,	676
Andress, Frederick,	686
Auditor General, salary of,	683, 676
Bahae, Andrew,	685
Bald Eagle and Spring Creek Navigation Com- pany,	679
Black, Samuel,	686
Bredin, Maurice,	686
Byers, Mary,	685
Canals and Railroads,	680, 681
Canal Commissioners, and expenses of office,	681
Clark, William,	685
Clark's Ferry Bridge,	681
Cleaver, Hiram,	686
Clerks of the Legislature,	688
Clerk hire in the various departments,	676
Codorus Navigation Company,	679
Collectors and Lock-keepers,	681
Common schools,	677
Contingent expenses of the various depart- ments,	676, 677
Damages by floods or fire,	682
Deputy Secretary of the Commonwealth, sal- ary of,	676
Domestic creditors,	679
Ege, William,	686
Executive and other departments,	676, 677
Farm bridges,	682
Fox, James,	685
Gas metre, &c.,	682
Grier, Robert,	679
Harrisburg borough water works,	677
Harrisburg Gas Company,	677
Hays, A. L.,	679
House of Refuge,	683
Humphreys, George,	686
Hyselman, Jesse,	686
Institution of the Blind, and Deaf and Dumb,	683

	PAGE
Appropriation—General act—Interest on funded debt,	679
Irvine, Jared,	685
Judiciary,	677
Keller, Michael D.,	686
Knowles, Robert, administrators of,	686
Kreider and Anderson,	683
Laws, for distributing,	677
Legislative expenses,	677
Librarian, salary of,	676
Library,	682
Linn, William,	685
Lytle, Robert,	686
Malin, John,	686
Manager, foreman, and firemen at Parkesburg shops,	687
M'Allister, Richard,	685
M'Cahen, John,	686
M'Micken, David,	685
Mehaffy, James, heirs of,	686
Militia expenses,	679
Miller, John,	686
Miscellaneous expenses,	683
Montgomery County Bank, expenses in the investigation of,	687
Montgomery, Robert,	686
Motive power,	680, 682
North Branch canal,	687
Penitentiaries, Eastern and Western,	682
Pennsylvania State Lunatic Hospital,	683
Pensions and gratuities,	677
Pettit, Thomas M.,	679
Petriken, William A.,	686
Pottsville and Danville Railroad Company,	679
Power, Thomas J.,	684
Power, Samuel,	685
Printing,	677
Price, William P., heirs of,	685
Public buildings,	682
Ramsey, Sterrett,	686
Repairs of canals and railroads,	680, 681, 682
Revenue commissioners, &c.,	688
Rhea, John, heirs of,	686
School directors of West Town, Chester county,	687
School directors of Washington township, York county,	687

	PAGE
Appropriation—General act—Schute at Shamokin dam, repair of,	687
Secretary of the Commonwealth, salary of,	676
Sergeant-at-Arms, door-keepers, &c.,	688
Shamokin dam,	683
State Treasurer, salary of,	676
Surveyor General, salary of, and office,	688, 676
Thayer & Richardson,	686
Treasurer of the East Brunswick school district, Schuylkill county,	687
Water power, mills, &c , on Loyalsock,	681
Webster, John,	686
West Philadelphia railroad,	684
Wheeling and Belmont bridge case,	688
Armstrong county—Commissioners authorized to sell certain real estate,	361
Freeport borough, boundaries fixed,	224
Milton school district, relating to,	142
Relative to hawkers and pedlars in,	569
Armstrong, William, authorized to sell certain real estate,	125
Assessors—New Castle, Lawrence county, authorizing the election of,	205
Of Allegheny county, authorized to take an account of dogs,	541
Of Philadelphia city, relating to,	585
Assigns of mortgages, relating to,	871
Atlantic and Pacific Road and Navigation Company incorporated,	177
Auctioneer—Lawrence county, Governor authorized to appoint,	319
York borough relating to,	180
Auditor General, authorized to transfer certain stock to the Allegheny and But- ler Plank Road Company,	269
to settle accounts of Alfred Sutton, deceased,	423
to assign stock in the Bedford and Stoystown turn- pike road,	602
to draw his warrant in favor of Henry L. Pat- terson,	626
to open the accounts of John Humes,	674
to settle the accounts of John Ross,	387
to investigate the claim of John Rhey,	737
to sell stock in certain turnpike roads,	818
to examine the claim of Austin Thompson,	826
George Morton,	312
John Kinsey,	356
Joseph J. Langdon,	510
the accounts of Wm. Keller,	600
Duties of, in regard to the 1st & 2d regiments of volunteers, who served in the wa with Mexico,	292
in reference to costs in cases of beer, eating, and oyster houses,	418
Appropriation for salary of,	683, 676

	PAGE
Auditors, township, McKean county, relative to,	294
Avenue, Girard, Philadelphia county, relative to,	301
Sullivan, Philadelphia county, relative to,	454
Marion, Philadelphia county, relative to the opening of,	878

B.

Bache Institute of Philadelphia incorporated,	697
Bacon, David, deceased, trustees under will of, authorized to sell certain real estate,	12
Bahae, Andrew, for payment of,	685
Baird, Margaret, for relief of,	494
Bald Eagle and Spring Creek Navigation Company, appropriation to,	679
Bald Eagle Bridge Company incorporated,	653
Bald Eagle Plank Road Company, additional powers granted to,	7
Balliott, Barbara, for relief of,	451
Baltdorff, Benjamin, relative to real estate of,	640
Banks—Bank of Pittsburg, charter extended,	852
Exchange, of Pittsburg, charter extended,	849
Farmers' and Drovers' of Waynesburg, relative to,	556
Farmers' and Mechanics' of Easton, incorporated,	355
Honesdale, charter extended,	750
Lehigh County, appointment of an additional commissioner for,	830
Of Beaver, charter revived for the purpose of collecting debts, &c.,	580
Lebanon, re-chartered,	847
Relative to the election of cashiers and solicitors for, in Philadelphia county,	295
Susquehanna county, commissioners to examine affairs of,	815
Wyoming, at Wilkesbarre, charter extended,	848
York, charter extended,	839
Baptist Publication Society, American, charter made perpetual,	585
Barr, Thomas (soldier), for relief of,	110
Beale, Thomas, relating to claim of,	459
Bear Mountain Railroad Company, time for completion extended,	569
Bear Valley Coal Company, supplement,	689
Beaver county—Economy township erected,	311
Industry election district erected,	426
New Brighton, providing for the erection of a lock-up-house in,	201
Poor House authorized to be erected,	260
Beaver Meadow Railroad and Coal Company, additional powers granted to,	331
Bedford and Stoystown Turnpike Road Company, relative to,	602
Bedford county—Bedford Hall Association, incorporated,	794
Broad Top township, place of holding elections in fixed,	602
Hopewell township, place of holding elections in fixed,	131
Liberty township, place of holding elections in fixed,	602

	PAGE
Bedford county—Middle Woodbury township, place of holding fixed,	333
Monroe township, place of holding elections in fixed,	40
South Woodbury township, place of holding elections in fixed,	265
St. Clair township, place of holding elections in fixed,	602
Bedford Hall Association incorporated,	794
Bedford Water Company, relating to,	101
Beech Creek Plank Road Company incorporated,	329
Beelman, Daniel, relative to claim of,	537
Beer houses, &c., relative to, in Susquehanna and Wyoming counties,	629
relative to costs in case of,	418
penalty for keeping without license,	418
Bellas, Martha, for relief of,	328
Bellefonte, Aaronsburg, and Youngmanstown Turnpike Road Company, relative to,	869
Bennet, Louisa Frances, name changed and legitimated,	791
Berge, John, executors of, authorized to sell certain real estate,	714
Berks county—Alsace township, place of holding elections in fixed,	149
Amity township, school directors authorized to borrow money,	240
Bernville, incorporated into a borough,	74
Certain election of justice of the peace in Womelsdorf, validated,	663
Colebrookdale township, relative to taxes in,	242
Commissioners, pay of,	558
of, authorized to rebuild three certain bridges,	134
to borrow money,	281
to sell a certain lot of ground,	147
to erect a bridge over the Schuyl-	
kill river,	280
Maxatawney and Greenwich townships, relative to taxes in,	243
Provisions of certain act relative to voting at elections ex-	
tended to,	450
Muhlenberg township, place of holding elections in fixed,	43
relative to taxes in,	240
supervisors in, to give security,	240
Neversink road, relating to,	240
Oley township, school directors authorized to borrow money,	240
relative to,	242
Reading Gas Company, relative to,	242
Relative to bridges in,	242
Relative to the election of county treasurer in,	242
Burn township, relative to the collection of taxes in,	667
Spring township, place of holding elections in fixed,	148
Berneville borough, erected into a separate election district,	450
North Heidelberg township, place of holding elections in fixed,	450
St. John's Church, Robeson township, relative to,	450
Relative to certain drains in,	497
Township lines, relative to,	498

	PAGE
Boroughs—Germantown, Upper Ward, relative to,	157
provisions of certain act extended to,	476
Upper Ward, relative to elections in,	476
relative to constable in,	542
Huntingdon, formed into a separate school district,	121
Johnstown, limits of extended,	100
J. H. Mitchell, authorized to act as justice of the peace in,	157
Knoxville, Tioga county, incorporated,	803
Landisburg, Perry county, relative to,	161
Lewisburg, relative to a certain street in,	123
elections in,	158
a certain election of councilman,	427
Loretta borough, Cambria county, relative to elections in,	519
Manayunk, relative to powers of council of,	299
Marietta, Lancaster county, relative to elections in,	465
Mauch Chunk, erected into a separate school district,	103
Media, Delaware county, incorporated into a,	778
Mechanicsburg, York county, incorporated,	278
Middletown, Dauphin county, repeal,	608
Minersville, limits extended, &c.,	742, 478
Montrose, Susquehanna county, limits of extended,	193
relative to a justice of the peace in,	426
Monongahela, relative to street in,	663
Montoursville, Lycoming county, relative to elections in,	516
Mount Joy, erected into a,	44
New Castle, relative to election of assessor in,	205
New Berlin, Union county, certain property annexed to,	158
New Brighton, relative to street commissioners of,	294
Norristown, Montgomery county, relating to,	659
Orwigsburg, Schuylkill county, to extend limits of,	335
Pottstown, Montgomery county, relating to,	192
Pottsville, repeal of certain act relating to streets, lanes, &c.,	569
relative to certain alleys in,	373
Punxsatawney, Jefferson county, constituted a separate election district,	470
incorporated,	772
Saltsburg, relative to elections in,	156
Sheakleyville, Mercer county, incorporated,	140
Shelocta, Indiana county, incorporated,	742
Shirleysburg, Huntingdon county, boundaries extended,	265
Somerset, Somerset county, relative to justices of the peace in,	428
South Pittsburg, relative to streets, &c., in,	708
a certain road in,	372
Strattonville, relative to boundaries of,	596

	PAGE
Boroughs—Strattonville, erected into a borough,	843
Summitville, relative to elections in,	602
incorporated,	825
Towanda, relative to,	368
Washington, Lancaster county, lock-up house authorized,	551
Waymart, Wayne county, incorporated,	375
Waynesburg, Greene county, relative to justices of the peace in,	6
West Chester, relating to interments in,	607
West Philadelphia, name changed, &c.,	302
Williamsport, relative to account of school treasurer of,	299
Womelsdorf, Berks county, relative to supervisors in,	498
lock-up house in,	498
Wrightsville, York county, relative to plot of,	175
authorized to subscribe stock in certain turnpike road,	839
York, bottlers of cider, malt liquors, &c., relative to license of,	570
relative to auctioneers in,	180
supplement,	2
supplement to charter,	381
Boundary lines between Centre and Mifflin and Huntingdon and Centre coun- ties, commissioners appointed to mark,	440
between Lycoming and Tioga counties, relating to,	441
borough of Strattanville, relative to,	596
between Carbon and Luzerne counties, commissioners to fix,	871
Bower, Sarah, estate of David B. Ewing vested in,	120
Bowling Saloons, &c., for the regulation of, in Tioga county,	375
regulating license of,	570
Boyd, Geo. W., certain deed authorized to be executed to,	206
Boyles, Charles, for relief of,	608
Boyle, Charles, for relief of,	657
Bradford, Samuel, deceased, guardian of minor children authorized to sell cer- tain real estate,	365
Bradford county—Relative to voting at elections in,	275
Towanda borough, relative to,	368
South branch of Towanda creek declared a public highway,	384
Springhill township, place of holding elections in fixed,	427
Provisions of certain act relative to peddlars extended to,	646
Herrick township, relative to school taxes in,	675
Breckenridge, Mary M., relative to estate of,	643
Bredin, Maurice, for payment of,	686
Brewer, Elizabeth, for relief of,	328
Bridges—At Tarentum, relative to,	644
Bald Eagle, incorporated,	653
Certain law relative to, in Crawford and Lawrence counties repealed,	161
Conemaugh and Indiana Plank Road Company, authorized to erect a,	259

	PAGE
Bridges—Conemaugh Bridge and Turnpike Company incorporated,	799
Conestoga, appropriation to,	412
Girard Avenue, Schuylkill Bridge Company incorporated,	830
name changed,	598
In Berks county, commissioners authorized to re-build three certain,	134
relative to the repair of,	242
In Tioga county, relating to,	245
In Lehigh county, relating to,	870
Little Beaver, incorporated,	840
New Hope, Delaware, relative to the receivers of,	430
Over the Meshoppen creek, Canal Commissioners authorized to erect,	123
the river Schuylkill, authorized to be erected,	280
at Spring Mill, incorporated,	669
the Swatara creek, near Hummelstown, relative to,	373
the Susquehanna river at Danville, supplement to act incorpo-	
rating a,	1
at York Furnace, incorporated,	61
Perrysville, incorporated,	77
Relative to repair of, in Allegheny county,	536
in Juniata county,	803
Schuylkill, near the Flat Rock, incorporated,	511
Stout's Ferry, incorporated,	858
Susquehanna and Union, incorporated,	827
White Deer, incorporated,	746
Williamsport, supplement,	3
York Furnace Bridge Company, incorporated,	61
Bridgeton and Newtown Turnpike or Plank Road Company incorporated,	704
Brown, Benjamin, attached to German township for school purposes,	140
Brownington and Perry'sville Plank Road Company incorporated,	22
Brubaker, Margaret Amelia, legitimated,	855
Buck, David F., certain deed made by, validated,	602
Buck Mountain Coal Company, relative to,	297, 761
Bucks County Mining Company not allowed manufacturing privileges,	639
Point Pleasant school district, erected,	527
Solebury township, relative to supervisors in,	84
Tinicum township, place of holding elections in fixed,	603
Building Associations—Provisions of certain act relating to, extended to Mont-	
gomery county,	316
Relative to	441
Burger, David, authorized to sell certain real estate,	745
Burgon, Harriet, legitimated,	234
Bush, George, guardian of minor children of, authorized to sell certain real	
estate,	300
Butler and Mercer Turnpike Road Company, relative to,	553
Butler, Callensburg, and Clarion Plank Road Company incorporated,	691

	PAGE
Butler Cemetery Association incorporated,	246
Butler county—Relative to county officers of,	553
Butler township, place of holding elections in fixed,	553
Relative to licenses in,	583
Byberry and Andalusia Turnpike Road Company incorporated,	651
Byberry and Poquesink Turnpike Road Company incorporated,	636
Byers, Mary, for relief of,	451
payment of,	685
C.	
Cadwalader, John, guardian of, authorized to sell certain standing timber,	316
Cadwallader, H. P., relative to claim of,	600
Caldwell, Samuel, authorized to erect a wing dam in the Susquehanna river,	356
Cambria county—Blacklick township, place of holding elections in fixed,	40
Conemaugh township, relative to,	101
Ebensburg borough, relative to elections in,	519
Johnstown borough, limits extended,	100
Loretta borough, relative to elections in,	519
Summitville borough, relative to elections in,	602
Washington township, part of erected into a separate school district,	459
Campbell, Charles Orrick Barton, name changed from,	295
Canal—Aramingo, relative to,	459, 55
Delaware and Hudson, resolution relative to,	739
Erie, relative to,	495
North Branch, appropriation to,	687
Relative to canals in Mifflin county,	820
Susquehanna, required to construct sluices, &c.,	714
Canal and Railroad—Appropriation to Clark's Ferry bridge,	681
farm bridges,	682
North Branch canal,	687
repair of Shamokin dam,	687
water power mills, &c., on Loyalsock,	681
for repairs and improvements on,	680
Allegheny Portage railroad,	680
Columbia railroad,	680
Delaware division,	680
Eastern division,	680
Lower Juniata division,	680
Lower western division,	680
motive power,	680
North Branch division,	680
Philadelphia and Columbia railroad,	680
Susquehanna division,	680

Canal and Railroad—Appropriation to Upper Juniata division,	680
Upper western division,	680
West Philadelphia railroad,	684
West Branch division,	680
West reservoir,	683
Payment of collectors, weighmasters, inspectors, and lock keepers,	681
debts contracted for repairs during fiscal year ending 30th November, 1850, 1849,	682
of damages which may be done by flood or fire,	682
Canal Commissioners—Appropriations for salaries of,	681
secretary,	681
messengers,	681
contingent expenses,	681
Canal Commissioners, duties of, in reference to the bridge at Tarentum,	644
Canal Commissioners authorized to make sale of part of Philadelphia and Co- lumbia railroad,	684
Canal Commissioners authorized to erect a bridge over Meshoppen creek,	123
examine claim of Addis, Amos,	329
Bills, Sherman,	741
Beale, Thomas,	459
Beelman, Daniel,	537
Cleaver, Hiram,	246
Colt & Brobst,	635
Cadwallader,	609
Dawling, James,	635
Fogle, Henry,	528
Fredericks, Benj. H.,	356
Hanson, John,	525
Henry, William,	635
Hiselman, Jesse,	246
Hutchinson, Edward,	490
Kelly, Bernard,	265
Lemon, Robert M.,	560
Mayer, Christian,	640
M'Cord, John,	126
Miller, John,	185
Nicholas, John,	635
Porter & Smith,	635
Rheem, Jacob,	537
Scott, John,	254
Webster, John,	185
Webster, Joseph D.,	618
White, James,	635

	PAGE
Canal damages, in pursuance of existing laws, Addis, Amos, for pay of,	686
Andress, Frederick, for pay of,	686
Bahae, Andrew, for relief of,	685
Black, Samuel, for pay of,	686
Bredin, Maurice, for pay of,	686
Clark, William, for pay of,	685
Cleaver, Hiram, for pay of,	686
Ege, William, for pay of,	686
Henderson, Catharine, for pay of,	686
Hyselman, Jesse, for pay of,	686
Knowles, Robert, for pay of,	686
M'Cahen, John, for pay of,	686
Keller, Michael D., for pay of,	686
Malin, John, for pay of,	686
Mehaffy, James, for pay of heirs of,	686
M'Micken, David, for pay of,	685
Miller, John, for pay of,	686
Lytle, Robert, for pay of,	686
Montgomery, Robert, for pay of,	686
Petriken, Wm. A., for pay of,	686
Ramsey, Sterrett, for pay of,	686
Rhea, John, heirs of, for pay of,	686
Thayer & Richardson, for pay of,	686
Webster, John, for pay of,	686
Carbon county—Commissioners of, authorized to borrow money, &c.,	23
Certain proceedings in the courts of, validated,	620
Franklin township, place of holding elections in fixed,	40
Mauch Chunk borough and township erected into separate school districts,	103
Relative to boundary line of,	871
hawkers and pedlars in,	569
the sale of liquors in certain districts,	447
Rockport, certain act extended to,	790
Towamensing township, place of holding elections in fixed,	40
Carbon Run Improvement Company incorporated,	215
Carbondale and Providence Turnpike and Plank Road Company incorporated,	434
Carbondale city—Incorporated,	163
Relative to elections in,	380
Constituted one school district,	427
Carlisle and Hanover Turnpike Road Company, relative to,	196
Carlisle, Eliza M., guardian of, authorized to improve real estate,	151
Carlisle, Elizabeth and Margaret H., guardian of, authorized to execute a deed to the city of Pittsburg,	110
Cash Mutual Fire Insurance Company of Pennsylvania incorporated,	543

	PAGE
Cashiers of banks in Philadelphia county, relative to election of,	295
Catawissa, Williamsport, and Erie Railroad Company, supplement,	429
Catfish and Clarion Turnpike Road Company incorporated,	286
Catfish, Brady's Bend, and Butler Plank Road Company incorporated,	397
Cawanesque Plank Road Company, relating to,	355
Cedar Hill Cemetery Company incorporated,	793
Cemeteries—Butler, incorporated,	246
Cedar Hill, Philadelphia county, incorporated,	793
Erie, supplement,	270
Meadville, incorporated,	661
New Castle, incorporated,	310
Oaklands, incorporated,	603
Pottsgrove, incorporated,	791
Central Coal Company incorporated,	873
Centre county—Boggs township, place of holding elections in fixed,	31
Boundary lines, commissioners appointed to mark,	440
Elk creek, relative to,	454
Philipsburg meeting house, relative to,	440
Relative to the hunting of deer in,	454
Union township, place of holding elections in fixed,	31
Ceres and Oswago Plank Road Company incorporated,	700
Chambers, Daniel, of Clearfield county, legitimated,	211
Charter of the American Baptist Publication Society made perpetual,	585
Independent Fire Insurance Company of Philadelphia, Bucks, and Montgomery counties, amended,	619
Calvary church at Rockdale, Delaware county, to supply,	689
Chestnut Hill Iron Ore Company incorporated,	135
relative to,	520
Chester county—Cochranville Hall Association, incorporated,	467
Relative to licenses in,	254
the sale of liquors in,	108
tax on dogs in certain townships,	236
vending of mineral waters in,	576
West Chester borough, relating to interments in,	607
West Vincent school district, relating to,	829
Churches—American Primitive Methodist Church of Bloomsburg incorporated,	856
Calvary Church at Rockdale, to supply charter, &c.,	689
Christ's and St. Peter's Philadelphia, authorized to sell real estate,	495
Christ's in Loysville, Perry county, sale of real estate made by, confirmed,	714
Evangelical, in Myerstown, incorporated,	730
Evangelical Lutheran, of Lewistown, incorporated,	835
First Baptist of Lewisburg, Union county, incorporated,	819
German Congregation of Moore township, Northampton county, authorized to sell certain real estate,	224

Churches—German Reformed in Lancaster county, trustees of, authorized to sell certain real estate,	33
of Germantown, authorized to borrow money,	459
German Lutheran of Philadelphia, authorized to dispose of burial ground,	556
Methodist Episcopal of Berlin, trustees of authorized to sell cer- real estate,	51
of Tidiute, trustees of authorized to sell cer- real estate,	37
of Sadsbury, Chester county, authorized to sell,	154
of Pittsburg, name changed, &c.,	419
of Wattsburg, authorized to sell certain real estate,	878
Mission of Saint Vincent de Paul in Germantown, name changed to,	882
Northern Diocese of United Brethren in the U. S. of America, in- corporated,	291
Old United Brethren, Lebanon county, authorized to be sold,	72
Philpsburg meeting house, Centre county, relative to trustees of,	440
Presbyterian of Wellsborough, for relief of,	129
at Plaingrove, Mercer county,	743
Second Associate Presbyterian Congregation of Philadelphia, au- thorized to sell real estate,	9
St. Johns Church, Robeson township, Berks county, relative to,	450
St. Aloysius, of Adams county, relative to enrollment tax on,	838
St. Johns, Robeson township, Berks county, incorporated,	240
Tenth Presbyterian of Philadelphia, authorized to purchase certain real estate,	387
Trustees of the Seventh Presbyterian of Philadelphia authorized sell real estate,	675
Union meeting house, Centre county, relative to trustees of,	7
United Brethren of Bethlehem incorporated,	345
Circuses, &c., relative to licenses of,	596
Citizens Insurance Company of Pittsburg, relative to,	711
City—Carbondale incorporated into a,	163
Erie incorporated into a,	631
Monongahela, relating to a street in,	663
Clarion and Allegheny Turnpike Road Company incorporated,	853
Clarion county—Callensburg, incorporated into a borough,	83
Perry township, place of holding elections in fixed.	424, 42
Relative to tavern license in,	548
Clark, Catharine, for relief of,	451
Clark, Ephraim, relative to estate of,	854
Clarke, William, for payment of,	685
Clarke (late Rogers), Mary M., authorized to sell certain real estate,	90
Clarks Ferry Bridge, appropriation for,	681
Clarkson, Dr. James S., administrators authorized to sell certain real estate,	233

	PAGE
Clayton, Jacob E, title to certain real estate confirmed to,	608
Clearfield and Curwinstown Turnpike Road, time for completion extended,	427
Clearfield county—Academy, relative to,	453
Clearfield school district, directors authorized to borrow money,	238
Morris township, place of holding elections in fixed,	40
Penn township, place of holding elections in fixed,	445
Pike township, place of holding elections in fixed,	520
Relative to the hunting of deer in,	802
Woodward township, place of holding elections in fixed,	829
Cleaver, Hiram, for relief of,	246
payment of,	686
Clerk hire in the various departments, appropriation to,	676
Clinton county—Allison township, place of holding elections in fixed,	425
Bald Eagle township, place of holding elections in fixed,	31
Beech Creek township, place of holding elections in fixed,	31
Certain act relative to deer in Lamar and Porter townships, repealed,	428
Green township, place of holding elections in fixed,	425
Relative to road taxes in,	646
Coal, authorizing the regulation of in Pittsburg and Allegheny cities,	422
Coal Companies—Bear Valley, supplement,	689
Beaver Meadow, additional powers granted to,	331
Buck Mountain, relative to,	297, 761
Central, incorporated,	873
Dauphin and Susquehanna, relative to,	16
supplement,	360
required to erect a certain stone wall,	413
Hazleton, additional powers granted to,	190
Pennsylvania, supplement,	57
tax on stock of,	57
Western Pennsylvania, relative to,	215
Coal Run Improvement Company incorporated,	143
Cochranville Hall Association of Chester county incorporated,	467
Codorus Navigation Company, relative to,	658, 679
Collectors, on public works, relative to certain,	299
lockkeepers, &c., appropriation for,	681
Colleges—Duff's Mercantile, incorporated,	151
Mount Pleasant, incorporated,	728
Philadelphia College of Medicine, authorized to borrow money,	2
Collins, James C., legitimated,	543
Coln, Ann, for relief of,	328
Colonial Records, providing for the publication of,	72
Colt and Brobst, relative to claim of,	635

	PAGE
Columbia county—Beaver township, place of holding elections in fixed,	43
Benton township, erected into a separate election district,	43
Bloomsburg borough, limits extended,	645
Commissioners of, authorized to sell certain real estate,	125
Fishing Creek township, place of holding election in fixed,	429
Madison township, erected into a separate election district,	158
Roaring Creek and Beaver townships, relative to schools in,	829
Relative to judicial proceedings in,	646
to liens, judgments, &c., in,	646
Time of holding courts in, changed,	657
Columbus and State Line Plank Road Company incorporated,	5
Male and Female Academy, incorporated,	605
Comly, Watson, Josiah Walton, and Charles Warmsley, authorized to sell certain real estate,	212
Commissioners appointed to examine affairs of the Susquehanna county Bank,	815
of Allegheny county, relative to a certain loan made by,	19
Armstrong county authorized to sell certain real estate,	361
Berk's county authorized to re-build three certain bridges,	134
sell a certain lot of ground,	147
erect a bridge over the river	
Schuylkill,	280
pay of,	558
Carbon county, authorized to borrow money,	23
Columbia county, authorized to sell certain real estate,	125
Franklin county, allowing mileage to,	631
Luzerne county, authorized to pay official advertisements,	426
Northern Liberties and Kensington, authorized to build culvert, &c.,	92
Potter county, authorized to borrow money,	211
Philadelphia county, authorized to borrow money,	869
Richmond, Philadelphia county, authorizing the election of,	157
Schuylkill county, authorized to sell certain real estate,	19
Spring Garden, for the election of,	428
Susquehanna county, authorized to erect county buildings,	
borrow money, &c.,	423
West Philadelphia, authorized to borrow money, &c.,	608
Commonwealth vs. Henry Cronister, relative to costs in the case of the,	71
assent of, given to the United States for the purchase of certain ground in Pittsburg, for public buildings,	740
Conemaugh and Indiana Plank Road Company authorized to erect a bridge, &c.,	259
Bridge and Turnpike Company incorporated,	799
Conewago Plank Road Company incorporated,	61
Constable, high, of the borough of Ebensburg, Cambria county, relative to powers of,	428
Beale township, Juniata county, powers of,	594

	PAGE
Constable, town, in Germantown borough, relative to,	542
Constables, aldermen, and justices of the peace, in Philadelphia county, jurisdiction of extended,	274
Constitution, resolution relative to amendment of,	755
Contingent expenses in the various departments, appropriation to,	676
Contracts and debts under exemption laws, relating to,	616
made by decedents, relative to specific performance of,	307
promissory notes, &c., relative to,	398
Conveyances acknowledged out of this State, relative to,	663
Convicts, foreign, to prevent the landing of,	701
in Potter county, relating to,	792
Cook, George, for relief of,	608
Corbin, Rebecca, authorized to sell certain real estate,	525
Corporations, relative to the service of process on,	354
Costs, relative to, in cases of beer, eating, and oyster houses,	418
certain, in the case of the Commonwealth vs. Henry Cronister,	71
Coudersport Academy, for relief of,	211
borough, to extend limits of,	14
Counties—Forrest, erected,	744
relative to the election of county officers in,	337
Fulton, supplement to act erecting,	216
erected out of parts of Bedford,	805
Prisons, for the regulation of,	353
Susquehanna county, public buildings authorized to be erected,	423
County officers, relative to the election of, in Butler county,	53
M'Kean county,	425
Courts—Allegheny county, time of holding changed,	556
adjourned courts in, relative to,	556
district court, judges of authorized to preside in certain cases,	556
Carbon county, certain proceedings in, validated,	620
Columbia county, time of holding changed,	657
Common Pleas, relative to partition in,	613
District Court of Philadelphia continued,	308
Greene county, time of holding changed,	450
Indiana county, Court of Common Pleas required to take off confirmation in a certain case of lunacy,	479
Judges of the several, authorized to be elected,	648
Lebanon county, relative to the records of,	732
Orphans', additional powers granted to, in the sale of real estate,	305
Philadelphia city and county, authorized to decree distribution of the estate of Charles Marie,	414
Schuylkill county, Common Pleas, chancery powers granted to,	871
Special, in the twentieth judicial district, relative to notice in,	100
Supreme, reporter, fees of,	558

	PAGE
Debts, relative to the collection of, from state companies,	675
Decedents, relative to contracts made by,	307
widow and children of, may retain real or personal estate to the amount of three hundred dollars.	613
Decrees and judgments obtained in Philadelphia city and county, relating to,	612
Deed—Administrator of Samuel Lowther, deceased, authorized to execute a certain,	206
Certain, executed by Peter Shroyer, confirmed,	553
authorized to be executed by John and Philip Wolfersberger,	878
made by David F. Buck, validated,	602
Committee of Robert Falconer authorized to execute a,	437
Defectively acknowledged out of the State, relating to,	663
Guardian of Elizabeth and Margaret H. Carlisle authorized to execute a deed to the city of Pittsburg,	110
Of assignment executed by Jacob Hummell, to be divested of dower,	575
Relating to acknowledgment of,	616
Relative to the recording of,	506
Deer—Certain act relative to, in Lamar and Porter townships, Clinton county, repealed,	428
Relative to the destruction of, in the counties of Franklin and Cumberland,	213
Schuylkill,	214
hunting of, in Plunkett's creek and Washington townships, Lycoming county,	412
Centre county,	454
Clearfield county,	802
Deibert, John, appointed commissioner for a certain road in Schuylkill county,	574
Delaware and Cobb's Gap Railroad Company, relative to,	454
incorporated,	757
Delaware county—Commissioners authorized to construct water works,	789
Media, incorporated into a borough,	778
Provisions of certain act relative to voting at elections extended to Lower Chichester,	469
Relative to licenses in,	255
Title to certain real estate in confirmed,	330
Derby and Ridley Turnpike or Plank Road Company incorporated,	618
Division lines—See Boundary.	
Divorce—Mead, William, and Eliza his wife,	713
Race, Jonathan, and Jane his wife,	854
Savery, John, and Elizabeth his wife,	700
Dock Company, Kensington, incorporated,	663
Docks and wharves in the port of Philadelphia, relating to,	354
Dogs—Tax on, in Allegheny county, relative to,	511
Chester county, relative to,	236
Domestic creditors, appropriation for,	679
Douglass, George, relative to estate of,	573

	PAGE
Downey, Emma, legitimated,	542
Drains in Berks county, relative to certain,	497
Drunkards and lunatics, for regulation of,	714
Duff's Merchantile College of Pennsylvania incorporated,	151
Demoutet, John Baptist, deceased, trustees under will of, authorized to sell certain real estate,	8
Duncan, Louisa M., relative to real estate of,	25
Dunk's Ferry and Buck Turnpike or Plank Road Company incorporated,	480
Dunlap, Polly, relative to estate of,	559

E.

Eardon, Elizabeth, for relief of,	451
Easton borough, relative to,	448
Gas Company, relative to,	448
Water Company, relative to,	397
Edgmont Great Road, commissioners authorized to re-view and re-lay,	235
Ege, William, for payment of,	686
Ejectment, relative to actions of,	614
Elections of Judges of the several courts of this Commonwealth authorized,	648
Allegheny county—Chartiers township, place of holding fixed,	458
Collins township, place of holding fixed,	42
Lower St. Clair township, place of holding fixed,	458
M'Candless township, place of holding fixed,	427
M'Nairs township, place of holding fixed,	42
Patton township, place of holding fixed,	42
Pine township, place of holding fixed,	427
Wilkins township, place of holding fixed,	42
Beaver county—Industry election district erected,	126
Bedford county—Broad Top township, place of holding fixed,	602
Hopewell township, place of holding fixed,	131
Liberty township, place of holding fixed,	602
Middle Woodbury, place of holding fixed,	333
St. Clair township, place of holding fixed,	602
Monroe township, place of holding fixed,	40
South Woodbury township, place of holding fixed,	265
Berks county—Alsace township, place of holding fixed,	149
Bernville borough erected into a separate district,	450
North Heidelberg, place of holding fixed,	450
Muhlenburg township, place of holding fixed,	43
Provisions of certain act relative to voting at, extended to,	450
Spring township, place of holding fixed,	148
Blair county—Allegheny township, place of holding changed,	12

	PAGE
Elections—Blair county—Logan township, erected into a separate district,	49
place and time of holding fixed,	49
Bradford county—Relative to voting at elections in,	275
Spring township, place of holding fixed,	427
Bucks county, Tinicum township, place of holding fixed,	603
Butler county, Butler township, place of holding fixed,	553
Cambria county—Black Lick township, place of holding fixed,	40
Ebensburg borough, relative to elections in,	519
Loretta borough, erected into a separate district,	519
Carbon county—Franklin township, place of holding fixed,	40
Towamensing township, place of holding fixed,	40
Centre county—Boggs township, place of holding fixed,	31
Union township, place of holding fixed,	31
Clarion county, Perry township, place of holding fixed,	42, 424
Clearfield county—Morris township, place of holding fixed,	40
Penn township, place of holding fixed,	445
Pike township, place of holding fixed,	520
Woodward township, place of holding fixed,	829
Clinton county—Allison township, place of holding fixed,	425
Bald Eagle township, place of holding fixed,	31
Beech Creek township, place of holding fixed,	31
Green township, place of holding fixed,	425
Columbia county—Beaver township, place of holding fixed,	43
Benton township, place of holding fixed,	42
Fishing Creek township, place of holding fixed,	429
Madison township, erected into a separate district,	158
Crawford county—Sparta township, place of holding fixed,	426, 518
Troy township, place of holding fixed,	426
Dauphin county, Wiconisco township, place of holding fixed,	140, 424
Delaware county—Chester borough, relative to elections in,	468
Chester township, erected into a separate district,	468
Provisions of certain act relative to voting at, extended to Lower Chichester,	469
Fayette county—Connellsville borough and township, divided into election districts,	88
relative to elections in,	149
Union township, divided into two separate districts,	149
Fulton county—Bethel township, relative to,	132
place of holding election in fixed,	602
Relative to election of overseers of the poor, &c.,	333
Green county, Cumberland township, place of holding fixed,	425
Huntingdon county, Hopewell township, place of holding fixed,	294, 563
Indiana county, Saltsburg borough, relative to elections in,	156

	PAGE
Elections—Jefferson county—Eldred township, place of holding election fixed,	470
Perry township, divided into election and school districts,	42
place of holding fixed,	42
relative to elections in,	85
Polk township, place of holding fixed,	192
Punxsatawny borough, constituted a separate district,	470
Young township, place of holding fixed,	293
Juniata county—Fermaugh township, place of holding fixed,	429
Mifflintown borough, erected into a separate district,	428
Lancaster county, East Donegal township, pay of judges for holding,	464
Lawrence county, New Castle borough, erected into a separate election and school district,	43
Luzerne county—Benton township, place of holding fixed,	140
Carbondale township, place of holding fixed,	294
Perry township, place of holding fixed,	294
Providence borough, place of holding fixed,	41
Ransom township, place of holding fixed,	192
South Pittston, erected into a separate district,	425
Sugarloaf township, place of holding fixed,	41
Wright township, place of holding fixed,	41
Lycoming county—Cogan House township, place of holding fixed,	43
Fairfield township, place of holding fixed,	516
Montoursville borough, place of holding fixed,	516
Mercer county—Cool Spring township, erected into a separate and school district,	43
Deer Creek township, erected into a separate district,	554
Delaware township, erected into a separate district,	829
Fairview township, erected into a separate election and school district,	43
Jackson township, erected into a separate election and school district,	44, 191
Jefferson township, place of holding fixed,	49
erected into a separate district,	829
Lake township, erected into a separate election and school district,	42
Liberty township, erected into a separate election and school district,	191
New Vernon township, erected into a separate district,	554
Pine Grove township, erected into a separate district,	156
Perry township, erected into a separate district,	554
Shenango township, place of holding fixed,	41

	PAGE
Elections—Mercer county—Sandy Creek township, erected into a separate district,	554
Wolf Creek township, place of holding fixed,	156
Mifflin county—Armagh township, place of holding fixed,	426
Granville township, constituted a separate district,	594
Newton Hamilton borough, place of holding fixed,	43
Wayne township, place of holding fixed,	42
Monroe county, Price township, place of holding fixed,	43
Montgomery county—Norristown borough, relative to,	139
Upper Hanover township, place of holding fixed,	156, 425
Upper Merion township, place of holding fixed,	425
Montour county—Anthony township, place of holding fixed,	726
Derry township, place of holding fixed,	726
Mahoning township, place of holding fixed,	149
Northumberland county—Cameron township, erected into a separate district,	41
Coal township, place of holding fixed,	160
part of erected into a separate district,	444
Northumberland borough, place of holding fixed,	16
Perry county—Mode of voting at elections in regulated,	158
Watts township, place of holding fixed,	470
Philadelphia—Bridesburg borough, relative to elections in,	106, 607
Frauds, to prevent at,	727
For the regulation of in the city and incorporated districts,	724
Penn district authorized to elect additional commissioners,	88
First Ward Spring Garden, place of holding fixed,	857
Richmond district, place of holding fixed,	576
Southwark, relative to elections in,	293
Second Ward Moyamensing, place of holding fixed,	855
Third Ward Moyamensing, place of holding fixed,	857
Spring Garden, Fifth Ward, divided into election precincts,	41
West Philadelphia, Third Ward, place of holding fixed,	578
Pike county—Blooming Grove township, place of holding fixed.	49
Potter county—Pike township, place of holding fixed,	49
Roulette township, place of holding fixed,	191
Schuylkill county—Eldred township, place of holding fixed,	40
relative to elections in,	191
Mahanoy township, place of holding fixed,	43

	PAGE
Elections—Schuylkill county—Pottsville borough, N. W., place of holding fixed,	43
Port Carbon election district, relative to,	139
Rush township, place of holding fixed,	40
West Penn township, relative to voters in,	558
Sullivan county—Laporte township, constituted a separate district,	425
Susquehann county—Franklin township, place of holding fixed,	40
Lathrop township, place of holding fixed,	424
Tioga county—Deerfield township, place of holding fixed,	425
Certain elections held in Lawrence and Chatham townships, validated,	231
Elkland borough, erected into a separate district,	424
Harmington township, place of holding fixed,	43
Middletown township, place of holding fixed,	148
Venango county—Canal township, place of holding fixed,	156
Sandy Creek township, place of holding fixed,	294
Washington county—Morris township, place of holding fixed,	830
Wayne county—Palmyra township, place of holding fixed,	294
Paupack township, constituted a separate district,	156
Westmoreland county—Hempfield township, relative to elections in,	869
Unity township, place of holding fixed,	608
Wyoming county—Forkstown township, place of holding fixed,	40
Relative to elections in,	384
York county—York township, place of holding fixed,	607
Elizabeth Turnpike and Plank Road Company incorporated,	23
Ellender, Mary, for relief of,	110
Elliott, Matilda, committee authorized to sell real estate,	643
Ellsworth, Moses, name changed from,	176
Embick, Israel, deceased, executors of authorized to sell certain real estate,	15
Engine Company, Friendship Fire, incorporated,	720
Enrollment tax, relative to an act incorporating St. Aloysius church, Adams county,	838
Entry upon manor lands, relative to,	615
Equitable Life Insurance Annuity and Trust Company, relating to,	817
Erie and Waterford Plank Road Company, additional powers granted to,	414
Wattsburg Plank Road Company, additional powers granted to,	477
Canal Company, relative to,	495
Cemetery Company, relative to,	270
City, incorporated,	631
County, act fixing guages of railroads in,	155
relative to school taxes in Concord township,	567
certain lots in,	878
Erwin, Susan, title to certain real estate vested in,	585
Escheated estate, certain, released to Anna Maria Wolbert,	821
Escheats, relating to,	307

PAGE120613676676625613616

F.

43742235555686923719320088149884451451493297266152576393674514595227201451601515.12277151509

	PAGE
Ford, Elizabeth D., relative to estate of,	287
Foreign convicts, to prevent the landing of,	701
insurance companies, relative to,	485
Foreman, John, authorized to sell certain real estate,	227
Forrest county—Relative to the election of county officers for,	337
Attached to the 18th judicial district,	651
Resolution erecting,	744
Fortner, Mary, authorizing the appointment of a trustee for,	645
Fort Necessity Washington Monument Association incorporated,	796
Fortney, John, authorized to sell certain real estate,	732
Foster Home Association, relating to,	796
Fox, James, for payment of,	685
Frankford and Bristol Turnpike Road Company, relative to,	854
Franklin county—Conococheague creek, relative to,	520
Commissioners and Auditors, mileage allowed to,	631
Mutual Insurance Company incorporated,	849
Relative to the destruction of deer in,	213
Repeal of certain act relative to the collection of taxes in,	214
Fre, Rebecca, for relief of,	494
Fredericks, Benjamin H., relative to claim of,	365
Frick, Wm., election of, as councilman of Lewisburg borough, validated,	427
Friendship Fire Engine Company of Philadelphia incorporated,	720
Fulton county—Academy authorized to be established,	220
Erected out of parts of Bedford,	805
Bethel township, relative to elections in,	132
place of holding elections in fixed.	602
Relative to election of overseer of the poor in,	333
Supplement to act erecting,	216
Tavern licenses in, relating to,	220
Wells township, divided into sub-school districts,	131

G.

Game, relative to the destruction of, in Cumberland county,	438
Gap Mining Company of Lancaster county incorporated,	369
Garrettsford Plank Road Company incorporated,	195
Gas chandeliers, &c., appropriation to defray expenses of.	126
appropriation for,	677
Gas Company—Easton, relative to,	448
Germantown, incorporated,	630
Pottsville, incorporated,	774
Reading, Berks county, relative to,	242
Richmond, incorporated,	181
West Philadelphia, incorporated,	530
Gas pipes, relative to the laying of, in Philadelphia,	295

	PAGE
Gas pipes, relative to, in the district of Moyamensing,	570
works, in Southwark and Moyamensing, relative to,	577
the city of Philadelphia, relative to,	722
Geological Report, authorizing the publication of,	636
Germantown borough, Upper Ward, relative to,	157
place of holding elections in fixed,	476
Provisions of certain act extended to,	476
Relative to constable in,	542
Germantown Gas Company incorporated,	630
Germantown Water Company incorporated,	296
relative to,	674, 727
Gilbert, Stephen, for relief of heirs of,	452
Gillespie, Martha, for relief of,	328
Girard avenue, Philadelphia county, relative to,	301
Schnuylkill Bridge Company, name changed,	598
incorporated,	830
Goddard, George, deceased, relative to estate of,	20
Gonter, Elizabeth, for relief of,	328
Good Will Hose Company of Spring Garden incorporated,	238
Goods, Merchandize, &c., relative to sale of by sample,	489
Goodwin, Adelaide, relative to the sale of the real estate of,	251
Governor authorized to subscribe, on behalf of the Commonwealth, to the stock of the Sugar Valley and White Deer Turnpike Road Company,	517
Graeff, Sarah Y., administratrix, authorized to sell certain real estate,	528
Graham, Arthur, relative to estate of,	233
Gray's Ferry road, relative to the paving of,	252
Relating to,	869
Green, Andrew Jackson, name changed from,	176
Greene county—Courts, time of holding changed,	450
Cumberland township, relative to election of supervisors in,	425
Franklin township, relative to supervisors for,	523
Marion township, relative to justices of the peace in,	6
Green Lane and Goshenhoppen Turnpike Road Company, supplement to act incorporating,	127
Greene, Edith T., of Bradford county, legitimated,	447
Greensburg and Mount Pleasant Turnpike and Plank Road Company, sub- scriptions to,	567
Uniontown Turnpike and Plank Road Company incorporated,	668
Greenville and Centreville Turnpike Road Company incorporated,	146
Grier, Robert, payment to,	679
Gring, Gerdrand, for relief of,	110
Guages of railroads in Erie county fixed,	155
Guernsey, Joseph W., deceased, administrators authorized to sell certain real estate,	761
Half-pilotage law, relating to,	229, 728

	PAGE
Hambly, Thomas C., for relief of,	736
Hanson, John, for relief of,	525
Harmony and Mercer Turnpike or Plank Road Company incorporated,	433
Harper, Elizabeth, for relief of,	328
Harrisburg Gas Company, appropriation for,	677
Water Company, appropriation for,	677
Hartley, John Martin, deceased, trustee under the will of, authorized to sell certain real estate,	114, 251
Harvey, Samuel, jr., trustee, authorized to sell certain real estate,	20
Haverford Plank Road Company incorporated,	456
Haviland, John Von Sountag, name changed from,	417
Hay and Straw Market Association, Farmers, relating to,	869
Haydock, Mary A., trustee under the will of, authorized to sell certain real estate,	225
Hays, A. L., payment of,	679
Hazleton Coal Company, additional powers granted to,	190
Hawkers and pedlars, in Northumberland county, relative to,	441
in Armstrong and Carbon counties, regulated,	569
Hebron and State Line Plank Road Company incorporated,	443
Hemphill Railroad Company, relating to,	470
incorporated,	862
Henderson, Catharine, for payment of,	686
Henderson, Samuel, authorizing the appointment of a trustee for,	385
Henry, William, relative to claim of,	635
Herman, John, trustee, authorized to sell certain real estate,	872
Herr, Jacob, for relief of,	466
Highways, in Kensington and Richmond districts, relative to,	303
Blacklick creek, Indiana county, declared a public,	479
Elk creek, Centre county, repeal of act declaring,	454
North branch of the Loyalsock declared a,	428
South branch of Towanda creek declared a,	384
Hindman, Mary Anna H., name changed,	855
Hiselman, Jesse, for relief of,	246
Hoge, Elizabeth, and children, authorizing the appointment of a trustee for,	869
Holidaysburg and Bedford Turnpike Road Company, time for completion extended,	566
supplement,	652
Honesdale and Delaware Plank Road Company, supplement to act incorporating,	288
Bank charter extended,	750
Hose Company, Good Will, of Spring Garden, incorporated,	238
Weccacoe, of Southwark, incorporated,	455
Moyamensing, relative to,	457
Vigilant, of Southwark, incorporated,	572
Hospital, Pennsylvania State Lunatic, providing for the erection of out-buildings, &c.,	186

	PAGE
Hospital, Pennsylvania State Lunatic, appropriation for,	683
Western Clinical, of Philadelphia, incorporated,	268
House of Refuge in Western Pennsylvania, relative to,	199, 458
in Philadelphia county, annual appropriation to,	414
appropriation for,	683
Housman, Jacob, for relief of,	451
Huber, Samuel Jr., committee of, authorized to sell certain real estate,	8
Hulings, James, authorized to extend a rope across the Allegheny river,	553
Humes, John, relative to accounts of,	674
Humphreys, George, for payment of,	686
Hunting and fishing in Mifflin county, relative to,	454
Huntingdon county—Boundary lines, commissioners appointed to mark,	440
Graysport school districts, relative to,	157
Hopewell township, place of holding elections in fixed,	294, 563
Huntingdon borough formed into a separate school district,	121
relative to school taxes in,	563
Poor house, supplement to act erecting,	29
Shirleysburg borough, boundaries extended,	265
Wilson, George, authorized to collect certain taxes,	567
Hutchinson, Edward, for relief of,	490
Hyneman, Moses, guardian, authorized to sell certain real estate,	252
Hyselman, for payment of,	686

I.

Improvement Companies—Carbon Run, incorporated,	215
Coal Run, incorporated,	143
Monongahela, to facilitate the passage of coal and coke boats over,	563
Tangascootack, incorporated,	298
Incorporate—See academies, banks, bridges, canals, coal companies, cemeteries, churches, insurance and improvement companies, plank roads, railroads, turnpikes, &c.	
Academy—Columbus male and female,	605
Pennsylvania, at Sunbury,	266
Sheafferstown,	590
Williamsburg,	560
Allentown Iron Company,	485
Anderson Library Association,	641
Atlantic and Pacific Road and Navigation Company,	177
Bache Institute of Philadelphia,	697
Banks—See Banks.	
Exchange, of Pittsburg, charter extended,	849
Farmers' and Mechanics', of Easton,	355
Honesdale, charter extended,	750

	PAGE
Incorporate—Banks—Lebanon, re-chartered,	847
Pittsburg, charter extended,	852
Wyoming, at Wilkesbarre, charter extended,	848
York, charter extended,	839
Bedford Hall Association of Bedford county,	794
Beverly and Dunk's Ferry Steamboat Ferry Company,	639
Birmingham Female Seminary,	401
Boroughs—Bernville, Berks county,	74
Bridgeport, Montgomery county,	115
Callensburg, Clarion county,	83
Covington, Tioga county,	811
Knoxville, Tioga county,	803
Mechanicsburg, York county,	278
Media, Delaware county,	778
Mount Joy, Lancaster county,	44
Punxsutawney, Jefferson county,	772
Sheakleyville, Mercer county,	140
Shelocta, Indiana county,	742
Strattanville,	843
Summitville, Cambria county,	825
Waymart, Wayne county,	375
Bridges—Bald Eagle,	653
Company for erecting, over the Schuylkill river at Spring Mill,	669
Conemaugh Bridge and Turnpike Company,	799
Girard Avenue Schuylkill,	830
Little Beaver,	840
Perryville,	77
Schuylkill, near Flat Rock,	511
Stout's Ferry,	858
Susquehanna and Union,	827
White Deer,	746
Carbon Run Improvement Company,	215
Carbondale city,	163
Cemeteries—Butler, incorporated,	246
Cedar Hill, Philadelphia county,	793
Meadville, incorporated,	661
New Castle Cemetery Association,	310
Oaklands, incorporated,	603
Pottsgrove, incorporated,	791
Central Coal Company,	873
Chestnut Hill Iron Ore Company,	135
Churches—American Primitive Methodist, of Bloomsburg,	856
Evangelical Lutheran, of Lewistown and vicinity,	835
Evangelical, of Myerstown, Lebanon county,	730

	PAGE
Incorporate—Churches—First Baptist, of Lewisburg, Union county,	819
Presbyterian, at Plaingrove, Mercer county,	743
St. John's, Robeson township, Berks county,	240
United Brethren, Northern Diocese,	291
of Bethlehem,	345
Cochranville Hall Association of Chester county,	467
Crystal Spring Hall Association,	823
Duff's Mercantile College of Pennsylvania,	151
Erie city,	631
Fort Necessity Washington Monument Association,	796
Gap Mining Company of Lancaster county,	369
Gas Company—Germantown,	630
Pottsville,	774
Richmond,	181
West Philadelphia,	531
Germantown Water Company,	296
Goodwill Hose Company of Spring Garden,	238
Improvement Company, Coal Run,	143
Tangascootack,	298
Independent Company of Montgomery and Bucks counties for the detection of horse thieves,	314
Insurance Companies—Adams County Mutual Fire,	630
Cash Mutual Fire, of Pennsylvania,	543
Franklin County Mutual,	849
Odd Fellows' Mutual, incorporated,	879
Philadelphia,	26
Pittsburg Life Insurance Company,	35
Protection Mutual Fire, of Littlestown,	499
Western,	622
Kensington Dock Company,	663
Kingsessing and Tinicum Meadow Company,	338
Marine Transportation Company of Philadelphia,	564
Mining Companies—Keystone, incorporated,	647
Monongahela,	248
Mount Plensant College,	728
New Alexandria Female Seminary,	521
Odd Fellows' Hall Association of Safe Harbor,	103
New London, Chester county, incorporated,	243
West Philadelphia,	363
Paoli, Chester county,	444
Kingsessing, Philadelphia co.,	473
York County,	501
Lewistown,	609
Spring Garden, Philadelphia county,	798

	PAGE
Incorporate—Odd Fellows' Hall Association of Moyamensing, Philadelphia county,	822
Pennsylvania State Agricultural Society,	289
Steam Ship Company,	31
Perkiomen Consolidated Mining Company,	58
Philadelphia and Atlantic Steam Navigation Company, supplement,	285
Savannah Steam Navigation Company,	208
Presbyterian Institute of the Presbytery of Philadelphia,	539
Railroad Companies—Hempfield,	862
Jefferson,	726
Lafayette,	868
Strasburg,	53
Wilkesbarre and Scranton,	70
Schuylkill county Agricultural Society,	557
Sons of Temperance Hall Association of Rawlinsville,	464
Doylestown,	526
Swede Iron Company,	701
Temple Hall Association of Philadelphia county,	578
The Company for the erection of piers in the Susquehanna river, opposite Columbia,	549
Union Beneficial Society of Adams county,	503
Union Hall Association,	415
Uniontown Water Company,	694
Union School and Children's Home Asylum,	488
Weccacoe Hose Company of Southwark,	455
West Philadelphia Gas Company,	531
Western Clinical Hospital of Philadelphia,	268
Wilkesbarre Water Company,	762
Independent Company of Montgomery and Bucks counties, for the detection of horse thieves, &c., incorporated,	314
Indiana county—Blacklick creek declared a public highway,	479
Blacklick township, relative to supervisors in,	88
Saltsburg borough, relative to elections in,	156
Shelocta, incorporated into a borough,	742
White township, relative to election of supervisors in,	480
Mahoning township, relative to supervisors in,	87
Relative to a certain case of lunacy in,	479
Inquisition in a certain case of lunacy in Indiana county, relative to,	479
Institute, Bache, of Philadelphia, incorporated,	606
Insurance companies—Adams County Mutual Fire, incorporated,	630
Cash Mutual Fire, of Pennsylvania, incorporated,	543
Citizens, of Pittsburg, relative to,	710
City and County Mutual, authorized to wind up affairs,	179
Equitable Life Insurance, Annuity and Trust Company, relative to,	817

	PAGE
Insurance companies—Farmers Mutual Fire, of Schuylkill county, relative to,	237
National Safety Insurance and Trust Company, additional powers granted to,	107
Foreign, duties of,	485
Pennsylvania Company for insurance on lives, authorized to sell certain real estate,	226
Mutual Fire, of Lawrence county, relative to notice for holding elections of,	537
Penn Mutual Life, supplement to act of incorporation,	86
Keystone Mutual Life and Health, of Harrisburg, relative to,	556
Philadelphia, incorporated,	26
life, additional powers granted to,	98
supplement,	270
Franklin County Mutual, incorporated,	849
Independent Fire, of Philadelphia, Bucks, and Montgomery counties, relative to,	619
Odd Fellows Mutual, incorporated,	879
Pittsburg Life, incorporated,	35
Protection Mutual Fire, of Littlestown, Adams county, incorporated,	499
Relative to the service of process on foreign,	354
United States Insurance, Annuity and Trust Company, incorporated,	817
Western, incorporated,	622
Allentown, incorporated,	485
Iron company—Sharon, relative to,	156
Swede, incorporated,	701
Iron Ore Company, Chestnut Hill, incorporated,	135
relative to,	520
Irvine, Jared, for relief of,	685

J.

Jefferson and Ebensburg Plank Road Company incorporated,	311
Jefferson county—Beaver township, relating to,	608
Eldred township, place of holding elections in fixed,	470
Perry township, divided into separate election and school districts,	42, 85
Polk township, place of holding elections in fixed,	192
Punxsatawney borough, erected into a separate election district,	470
incorporated,	772
Relative to supervisors in Barnett township,	519
To locate a certain street in Brookville,	466
Young township, place of holding elections in fixed,	293
Jefferson Railroad Company incorporated,	726

	PAGE
Johnson, Wirtz M'Miken, name changed from,	256
Jones, Budd, of Allegheny county, legitimated,	541
Jones, Elizabeth, for relief of,	194
Jones, Mary, for relief of,	451
Jones, Thomas H., deceased, administrators, authorized to sell certain real estate,	282
Judges of the several courts of this Commonwealth, authorizing the election of,	648
Judgments—Decrees of courts in Philadelphia city and county relating to,	614
Mortgages, &c., in Columbia county, relative to,	646
Record of, from another State, relating to,	614
Judicial proceedings in Columbia county, relating to,	646
Districts—Eleventh—Luzerne, Wyoming, Montour, and Columbia,	651
Eighth—Northumberland, Lycoming, Centre, and Clinton,	651
Fourth—Tioga, Potter, M'Kean, Elk, and Clearfield,	651
Thirteenth—Bradford, Susquehanna, and Sullivan,	651
Judiciary, appropriation for,	677
Juniata county—Beale township, powers of constable in,	594
Fermaugh township, place of holding elections fixed,	429
Lack township, relative to supervisors in,	470
Mifflintown borough, erected into separate election and school districts,	428
Milford township, relative to roads and supervisors in,	611
Relative to bridges in,	803
tavern licenses in,	192
Justices of the peace of Marion township, Greene county, authorized to hold their offices in Waynesburg,	6
certain election of, in Womelsdorf made valid,	663
in Montrose borough, relative to a certain,	426
Philadelphia county, jurisdiction extended,	274
Somerset borough, Somerset county, increase of,	428
James H. Mitchell authorized to act in Johnstown,	157
powers of extended,	568

K.

Keating, John and William V., authorized to sell certain real estate,	404
Kelker, Rudolph Frederick, legitimated,	790
Keller, Anna Victoria, authorized to sell certain real estate,	824
Keller, Michael D.,	686
Keller, William, relative to accounts of,	600
Kelly, Bernard, for relief of,	265
Kendall, Richard M., guardian of the minor children of, authorized to sell real estate,	449
Kenrick, Right Rev. Francis Patrick, authorized to sell certain real estate in Columbia, Lancaster county, and in York borough,	233, 381
Kensington Dock Company incorporated,	603

	PAGE
Kensington district—Relative to highways in,	303
power of commissioners of,	304
Relating to school directors in,	862
Washington street, width of,	304
Water courses, relating to,	304
Kershner, Peter, John Brossman, and John Stamm, guardians, authorized to sell certain real estate,	448
Keystone Mining Company incorporated,	646
Keystone Mutual Life and Health Insurance Company of Harrisburg, relative to,	559
King, Thomas, deceased, guardian of minor children of, authorized to sell certain real estate,	51
Kingsbury, Marion W., relative to estate of,	332
Kingessing and Tinicum Meadow Company incorporated,	338
Kinsey, John, for relief of,	356
Kittanning Plank Road Company incorporated,	703
Knevelt, George Morris, certain power of attorney to, confirmed,	568
Knorr, Sarah, trustee of authorized to sell certain real estate.	506
Knowles, Robert, for payment of,	686
Kreider & Anderson, payment of,	683
Lafayette Railroad Company incorporated,	868
Lancaster county—Drumore township, relative to a certain school house in,	465
East Donegal township, relative to pay of judges of elections in,	465
Lancaster city, relative to a certain alley in,	466
Manheim township, relative to the collection of taxes in,	284
Marietta borough, relative to elections in,	465
Mount Joy, erected into a borough,	44
Old Columbia Public Ground Company, relating to,	441
Prison, pay of inspectors of,	657
Relative to certain turnpike companies in,	301
Relative to supervisors in,	519
West Earl township, relative to taxes in,	234

L.

Lancaster, Elizabethtown, and Middletown Turnpike Company, supplement to act incorporating,	34
Land and Building Associations, relative to,	441
Lands—relative to sale of by Orphans' courts,	305
Unseated in Lycoming county, relative to the sale of,	356
Manor, relative to entry upon,	615
Unseated, actions of ejectment for,	615
Langdon, relative to the claim of,	510
Lardner, Mary P. (formerly Mary P. Downing) trustee of authorized to sell certain real estate,	138
Large, Rebecca, relative to estate of,	335

	PAGE
Larry's Creek Plank Road Company, relative to tolls on,	357
Lawrence county—Certain road and bridge laws repealed,	161
Governor authorized to appoint an auctioneer for,	319
Slippery Rock and Shenango townships, relative to supervisors in.	203
New Castle borough erected into a separate school and election district,	43
Relative to election of assessor in,	205
The word "Beaver" in certain act of Assembly changed to "Lawrence,"	537
Wilmington township, relative to school house in,	205
Lawrenceville and Sharpsburg Plank Road Company incorporated,	555
Laws, pamphlet, relative to the publication of,	124
appropriation for distribution of,	677
Leaming, Rebecca, guardian of, authorized to sell certain real estate,	277
Leas, William B., relative to real estate of,	663
Lebanon Bank, re-charter,	847
Lebanon county—Bethel school district, relative to,	238
East Hanover school district, relative to,	139
Relative to the records of the Orphans' Court of,	732
Lebanon Valley Railroad Company, relating to,	625
Lee, James and Alexander, trustee of, authorized to sell real estate,	870
Leech, Charles, legitimated,	516
Legget's Gap Railroad Company, name changed from,	629
Legislative expenses, appropriation for,	677
Legitimated—Bennett, Louisa Frances, of Philadelphia,	791
Brubaker, Margaret Amelia, of Lancaster county,	855
Burgon, Harriet, of Greene county,	234
Chambers, Daniel, of Clearfield county,	211
Collins, James C., of Fayette county,	543
Downey, Emma, of Allegheny county,	542
Greeno, Edith T., of Bradford county,	447
Jones, Budd, of Allegheny county,	541
Kelker, Rudolph Frederick, of Dauphin county,	790
Leech, Charles,	516
Lehman, Franklin William, of Lebanon county,	373
M'Bride, George, of Fayette county,	790
Porter, William Henry, of Bradford county,	447
Robinson, Robert, of Greene county,	234
Robinson, Seth, of Greene county,	234
Shank, Jacob, of Lancaster county,	278
Thomas, Alexander, of Allegheny county,	541
Zook, Davis, of Chester county,	52
Lehigh county, Lynn township, relative to election of supervisors in,	424
relative to bridges in,	870

	PAGE
Lehman, Franklin William, legitimated,	373
Lemon, Agnes, for relief of,	328
Robert M., for relief of,	560
Lewis, Abraham Kirkpatrick, authorized to sell certain real estate,	233
Sarah F., deceased, executors, authorized to sell certain real estate,	75
Lewisburg and Brush Valley Plank Road Company incorporated,	510
Lewistown and Kishacoquillas Turnpike Road Company, relating to,	611
Ley, Christian, deceased, administrator of, authorized to sell certain real estate,	197
Librarian, appropriation for salary of,	676
Library, appropriation for,	682
License—Beer, eating, and oyster houses, penalty for keeping without,	418
Billiard rooms, bowling saloons, ten-pin alleys regulated,	570
Bottlers of cider, malt liquors, &c., relative to,	570
For sale of malt liquors in Philadelphia city and county, relative to,	567
In Butler county, relating to,	589
Chester county, relative to,	254
Delaware county, relative to,	255
Of beer houses and ten-pin alleys in Susquehanna and Wyoming counties, relative to,	629
taverns, inns, &c., in Chester county, to regulate,	108
theatres, circuses, menageries, &c., regulated,	596
Tavern, for the regulation of in Allegheny county,	548
in Blair county,	255
Juniata and Sullivan counties, relative to,	192
the city and county of Philadelphia, relative to,	559
relative to, in Clarion county,	548
Liggett's Gap Railroad Company, supplement,	231
Light, John S. S., and Thomas Light, authorized to sell certain church property,	72
Linerd, John, deceased, trustee under the will of, authorized to sell certain real estate,	111
Lingenfelter, Mary, for relief of,	451
Linn, Jane, for relief of,	494
William, for payment of,	685
Liquors—To prohibit the sale of, in Washington,	82
restrain the sale of, in Elizabeth borough, Allegheny county,	83
Relative to the sale of, in Chester county,	108
certain districts in Carbon and Luzerne counties,	447
Allegheny county,	548
Clarion county,	548
Little Beaver Bridge Company incorporated,	840
Schuylkill and Susquehanna Railroad Company, supplement,	429
Loans—Married women authorized to make, to their husbands,	675
Lock-up house—Connesville borough, Fayette county, providing for the erection of a,	200
East Birmingham borough, providing for the erection of a,	458

	PAGE
Lock-up house—New Brighton, Beaver county, providing for the erection of,	201
Washington borough, Lancaster county, providing for the erection of,	551
Womelsdorf, Berks county, providing for the erection of,	498
Loretta Turnpike Railroad Company incorporated,	362
Lowther, Samuel, deceased, administrator of, authorized to execute a certain deed,	206
Loyde, Thomas, farm of, detached from the Pleasant Grove school district,	132
Lucas, John, authorized to perfect title to certain real estate,	873
Ludwig, Samuel, authorized to peddle in Lancaster county,	302
Lunatics and habitual drunkards, for regulation of,	714
Luzerne county—Benton township, place of holding elections in fixed,	140
Carbondale city, incorporated,	163
relative to elections in,	380
township, place of holding elections in fixed,	294
repeal of certain act relating to,	380
Court of Quarter Sessions divested of certain powers,	582
Denison township, relating to roads in,	581
Exeter township, relative to supervisors in,	285
Kingston township, relative to a certain road in,	584
Lehman township, confirming sale of a certain tract of land in,	816
Perry township, place of holding elections in fixed,	294
Providence borough, place of holding elections in fixed,	41
Plymouth township, relative to the collection of taxes in,	640
Ransom township, place of holding elections in fixed,	192
Relating to school fund of Lehman township in,	816
Relative to the sale of liquors in certain districts of	447
official advertisements in,	426
boundary line of,	871
South Pittston election district erected,	425
Sugar Loaf township, place of holding elections in fixed,	41
Wright township, place of holding elections in fixed,	41
Lycoming county—Authorizing the sale of certain real estate in,	771
Cogan House township, place of holding elections in fixed,	43
Fairfield township, relative to elections in,	516
First Lycoming troops, pay of,	446
Montoursville borough, relative to elections in,	516
Poor house, authorizing the erection of a,	406
Relative to the sale of unseated lands in,	356
fees of prothonotary of,	329
the hunting of deer in,	412
boundary line of,	441
Lykens Valley Railroad Company, relative to,	362
Lytle, Robert, for payment of,	686

M.

	PAGE
Macdonald, Alexander, deceased, relative to estate of,	538
Maelay, Samuel, deceased, guardian of minor children of, authorized to sell certain real estate,	312
Mahonoy and Wisconsin Railroad Company, relative to,	621
Mail steamers between San Francisco and China, and Philadelphia, Norfolk, and Europe, resolutions relative to,	735
Malin, John, for payment of,	686
Manheim and Lebanon Plank and Turnpike Road Company incorporated,	523
Manly, Henry, deceased, trustee named in the will of, authorized to sell certain real estate,	577
Manor lands, relative to entry upon,	615
Manufacturing law, general act construed,	826
operations, certain act concerning, extended to articles manufactured of salt,	516
extended to printing and publishing,	576
Manayunk borough, relative to powers of council of,	299
Marie, Charles, also called Charles Berthault, relative to estate of,	414
Married women authorized to make loans to their husbands,	675
Marietta and Mount Joy Turnpike Road Company incorporated,	283
Marine Transportation Company of Philadelphia incorporated,	564
Markland, Mary Ann, trustee of, authorized to sell certain real estate,	89
Marshal Savings Association of Philadelphia, name changed,	505
of Police, Philadelphia, relative to,	727
Martin, John, deceased, executrix of, authorized to sell certain real estate,	196
Martinsburg Plank Road Company incorporated,	99
Mayer, Christian, relative to claim of,	640
McAllister, Richard, payment of,	685
McBride, George, of Fayette county, legitimated,	790
McCahen, John, for payment of,	686
McCord, John, for relief of,	126
McDill, John, authorized to sell certain real estate in Crawford county,	518
McIlheny, John H., for relief of,	707
McKean county, relative to township auditors in,	294
relative to election of county officers in,	425
McKibbin, Wm. D., guardian of, authorized to sell real estate,	857
McKnight, W. C., farm of, attached to Armstrong township, Indiana county, for school purposes,	140
McLain, Samuel, deceased, executors of, authorized to sell certain real estate,	10
McMasters, John, certain real estate of, authorized to be mortgaged,	422
McMicken, David, for payment of,	685
McVey, Catharine, relative to rights of,	611
Mead, William, and Eliza his wife, divorced,	713
Meadow Company, Kingessing and Tinicum, incorporated,	338
Meadville Cemetery incorporated,	661

	PAGE
Means, John F., and Simon Stevens, authorized to establish a ferry across the Susquehanna river,	257
Measures, weights, and beams, for regulation of,	334
Mechanicsburg, York county, incorporated,	278
Media, Delaware county, incorporated into a borough,	778
Meeting house, Philipsburg, Centre county, relative to election of trustees for,	440
Meetings, political, provisions of certain act of Assembly, extended to,	568
Mehaffy James, for payment of heirs of,	686
Menageries, &c., relative to license of,	596
Mench, Charles B., trustee, authorized to sell certain real estate,	571
Mercer and Shenango Plank Road Company, incorporated,	189
Mercer county—Coolspring township, erected into a separate election and school district,	43
Deer Creek township, erected into a separate election and school district,	554
Delaware township, erected into a separate election district,	829
Fairview township, erected into a separate and school district,	43
Jackson township, erected into a separate election and school district,	44, 191
Jefferson township, place of holding elections in fixed,	49
erected into a separate election district,	829
Lake township, erected into a separate election and school district,	42
Liberty township, erected into a separate election and school district,	191
New Vernon township, erected into a separate election and school district,	554
Pine Grove township, erected into a separate election district,	156
Perry township, erected into a separate election and school district,	554
Sandy Creek township, erected into a separate election district.	554
Shenango township, place of holding elections in fixed,	41
Wolfcreek township, place of holding elections in fixed,	156
Merchandize, relative to sale of by sample,	489
Meyer's Plank Road Company incorporated,	600
Mifflin county—Armaugh township, place of holding elections in fixed,	426
Boundary lines, commissioners appointed to mark,	440
Granville township constituted a separate election district,	594
Newton Hamilton borough, place of holding elections in fixed,	43
Poor house, relative to sale of,	122
Relative to railroads and canals in,	820
hunting and fishing in,	454
Wayne township, place of holding elections in fixed,	43
Military schools, authorizing the issuing of arms to,	53
Militia expenses, appropriation for,	679

	PAGE
Militia, uniformed of Perry and Luzerne counties, relative to,	713
Montour county attached to 8th district of the Pennsylvania,	857
Miller, George, for relief of,	451
Jesse, deceased, administrators of, authorized to sell certain real estate,	438
John, for relief of,	185
payment of,	686
Miller's Run and Cross Creek Valley Plank Road Company incorporated,	552
Millerstown, Andersonburg, and New Germantown Plank Road Company incorporated,	244
Millheim and East Kishacoquillas Turnpike Road Company relating to,	611
Milligan, Francis, trustees under the will of, authorized to sell certain real estate,	227
Mineral waters, relative to vending in Chester county,	576
Miners, in Schuylkill county, relating to,	542
Mining companies—Bucks county, not allowed manufacturing privileges,	639
Gap, of Lancaster county, incorporated,	369
Keystone incorporated,	647
Monongahela incorporated,	248
relative to,	308
Perkiomen Consolidated, incorporated,	58
Williams Valley Railroad and Mining Company, relative to,	447
Mission of Saint Vincent de Paul in Germantown, name changed to,	882
Mitchell, James H., authorized to act as a justice of the peace in Johnstown,	157
Monongahela Mining Company incorporated,	248
relative to,	310
Monroe county—Price township, place of holding elections in fixed,	45
Montgomery county—Appeals of freeholders, provisions of certain act relative to, extended to,	316
Bridgeport incorporated into a borough,	115
Certain act relative to Mutual Saving Fund societies and Building associations extended to,	316
Norristown borough, relative to elections in,	139
for the better regulation of	659
Old Goshenhoppen school district erected,	827
Pottstown borough, relative to,	192
Prison, for regulation of,	388
Upper Hanover township, place of holding elections in fixed,	156, 425
Upper Merion township, place of holding elections in fixed,	425
Montgomery, Robert, for payment of,	686
Montour county—Attached to the 8th division Pennsylvania militia,	857
Anthony township, place of holding fixed,	726
Derry township, place of holding fixed,	726
Mahoning township, place of holding elections in fixed,	149

	PAGE
Montrose and Harford Plank Road Company incorporated,	16
Monument Association, Fort Necessity Washington, incorporated,	796
Moor, Sergeant William, for relief of,	611
Moore, Mary P., appointment of trustee for,	234
Moorhead, Jane (lunatic), relative to estate of,	256
Morgan, Geo. W., executor of authorized to sell certain real estate,	276
Morgan, Harriet H., trustee authorized to sell certain real estate,	276
Morton, George, for relief of,	312
Mortgages and assigns of mortgages, relating to,	871
Moss, William Harrington, name changed from,	176
Mosser, John, and Augustus Leiss, authorized to purchase certain real estate,	56
Mount Carmel and Shamokin Railroad Company incorporated,	620
Mount Joy, Lancaster county, erected into a borough,	44
Mount Pleasant College incorporated,	728
Moyamensing Hose Company, relating to,	457
Relative to gas pipes in,	570
works in,	577
road damages in,	726
Second Ward, place of holding elections in fixed,	855
Third Ward, place of holding elections in fixed,	857
Muncy Creek Plank Road Company, certain act extended to,	594
Mutual Protection Company, Cumberland Valley, relating to,	438

N.

Names changed—Campbell, Charles Orrick Barton,	295
Ellsworth, Moses,	176
Green, Andrew Jackson,	176
Haviland, John Von Sountag,	417
Hindman, Mary Anna H.,	855
Johnson, Wertz M'Micken,	256
Methodist Episcopal Church of Pittsburg,	419
Moss, William Harrington,	176
Northumberland and Point Infantry,	444
Nutting, Thomas Orrin,	297
Power, Frances S.,	447
Richey, William,	646
Young, James,	176
National Safety Insurance and Trust Company, additional powers granted to,	107
Navigation—Atlantic and Pacific Road and, incorporated,	177
Bald Eagle and Spring Creek, appropriation to,	679
Codorus, relating to,	658, 679
Monongahela, to facilitate the passage of coal and coke boats over,	563
Philadelphia, and Savannah Steam, incorporated,	208
Atlantic Steam, supplement,	285

Needles, Joseph A., executors of the will of, authorized to sell real estate,	227
Nevins, James, title to certain real estate to, confirmed,	300
New Alexandria Female Seminary incorporated,	521
Brighton and Harmony Plank Road Company incorporated,	594
Castle and Enon Valley Plank Road Company incorporated,	536
Portersville Plank Road Company incorporated,	439
Cemetery Association incorporated,	310
Holland Turnpike Road Company, supplement to act incorporating,	34
Hope, Doylestown and Norristown Railroad Company, supplement,	586
York and Erie Railroad Company required to erect fences,	629
Newell, Andrew, executrix, authorized to sell certain real estate,	400
Nicholas, John, relative to claim of,	635
Norris, Joseph Parker, relative to estate of,	559
Norristown and Valley Railroad Company, construing act concerning,	418
Northern Liberties, relative to tax collectors in,	506
a certain alley in,	640
Northumberland county—Cameron township, erected into a separate election district,	41
Coal township, place of holding elections in fixed,	160
part of, erected into a separate election and school district,	444
Hawkers and Pedlers, for the regulation of,	441
Northumberland borough, place of holding elections in fixed,	160
Relative to road viewers in,	871
Notes, bonds, book accounts, &c., relative to actions on,	307
post notes, notes of hand, &c., relative to,	398
Nutting, Thomas Orrin, name changed from,	297

O.

Oaklands Cemetery incorporated,	603
Oakman, Ebenezer P., relative to estate of,	334
Odd Fellows' Hall Association of Kingsessing, Philadelphia county, incorporated,	473
Lewistown incorporated,	609
Moyamensing incorporated,	822
New London, Chester county, incorporated,	243
Paoli, Chester county, incorporated,	444
Safe Harbor incorporated,	103
Spring Garden incorporated,	798
West Philadelphia incorporated,	363
York county incorporated,	501
Mutual Insurance Company incorporated,	879
Old Columbia Public Ground Company, relative to,	441
Oliver, John C., executor of, authorized to sell certain real estate,	771

	PAGE
Orne, Benjamin, trustee, authorized to sell certain real estate,	723
Orphans courts—Additional powers granted to in the sale of real estate,	305
Relative to the records of, in Lebanon county,	732
Ort, Jacob, farm of, attached to Lewistown for school purposes,	143
Overseers of the Public Schools, Philadelphia, authorized to sell certain real estate,	560
P.	
Pamphlet laws, relative to the publication of,	124
Parker, Alvin H., trustee, authorized to sell real estate,	258
Partition in the real estate of Dr. James Trimble, relative to,	401
in the Courts of Common Pleas, relating to,	613
deeds of, required to be recorded in the Court of Common Pleas of Philadelphia county,	878
Partnerships, for regulation of,	615
Path-masters in Choconut and Middletown townships, Susquehanna county, relative to,	88
Patterson, James, title to certain real estate confirmed to,	374
Patterson, James, title to real estate confirmed to,	552
Patterson, Henry L., relative to claim of,	626
Paxson, Edward, relative to estate of,	877
Paxton, James, deceased, relative to estate of,	91
Payne, John, authorized to sell certain real estate,	333
Pedlers—In Armstrong and Carbon bounties to regulate,	569
Ludwig, Samuel, authorized to peddle in Lancaster county,	302
Provisions of certain act concerning, extended to Bradford county,	646
Penitentiaries, Eastern and Western, appropriation for,	682
Penn district, Philadelphia county, authorized to elect additional commissioners,	88
relative to Thompson street,	574
Penn Mutual Life Insurance Company, supplement,	86
Penningtonville and Oxford Plank Road Company incorporated,	253
Pennsylvania Coal Company, relative to,	57
Railroad Company, construing act concerning,	518
State Lunatic Hospital, providing for the erection of out-buildings for,	186
Appropriation for,	683
Agricultural society incorporated,	289
Steamship Company incorporated,	31
Fire Company, relative to,	523
Pennypacker, Elijah F., and others, trustees, authorized to sell certain real estate,	315
Pensions, gratuities, appropriation for,	677
Pequa Railroad and Improvement Company, supplement to act incorporating,	16
Perkiomen Consolidated Mining Company incorporated,	58
Perry county—Centre township, duty of supervisors in,	162
Landisburg borough, relative to,	161

	PAGE
Perry county—Oliver township, relative to roads in,	162
Relative to voting at elections in,	158
Tyrone township, relative to schools in,	161
Watts township, place of holding elections in fixed,	470
Wheatfield township, certain road laws extended to,	508
Petriken, Wm. A., for payment of,	686
Pettit, Thomas M., payment to,	679
Philadelphia and Savannah Steam Navigation Company incorporated,	208
Annual appropriation to House of Refuge,	414
Aramingo Canal, relative to,	55, 459
Borough, relative to taxes in,	579
Assessors, relative to,	585
Bache Institute incorporated,	697
Banks, relative to the election of cashiers and solicitors for,	295
Bridesburg borough, relative to elections in,	106, 607
Broad street, for the widening of,	294
College of Medicine authorized to borrow money,	2
Commissioners authorized to construct culvert in Cohocksink creek,	92
borrow money,	869
Controller of public school, relating to,	878
Dauphin street, relative to,	476
Delaware avenue, relative to,	476
District Court continued	308
Elections for the regulation of the city and incorporated districts of,	724
to prevent frauds at,	727
Gas works, relative to,	722
Girard avenue, relating to,	301
Guardians of the poor, relative to,	266
Jurisdiction of aldermen, justices of the peace, and constables extended,	274
Kensington district—Commissioners of, relating to authority of,	304
Relative to highways in,	303
school directors in,	862
Wager street, part of vacated,	359
Washington street, relative to,	304
Water courses in, relative to,	304
License for sale of malt liquors regulated,	567
Manayunk borough, relative to power of town council of,	299
Marion avenue, relating to the opening of,	878
Marshal of police, relative to salary of, &c.	861
Marshall Savings Association, name changed, &c.,	505
Merchandize, relative to the sale of by sample,	489
Moyamensing district—Relative to road damages in,	726
gas pipes in,	570

	PAGE
Philadelphia, Moyamensing district—Second Ward, place of holding elections in fixed,	855
Third Ward, place of holding elections in fixed,	857
Ninth section first school district, relative to,	674
North Penn township, pay of supervisors for,	727
Northern Liberties, relative to tax collectors in,	506
a certain alley in,	640
Overseers of the public schools authorized to sell real estate,	560
Penn district authorized to elect additional commissioners,	88
relative to Thompson street,	575
and Atlantic Steam Navigation Company, supplement,	285
Insurance Company incorporated,	26
supplement,	270
Life Insurance Company, additional powers granted to,	98
Saving Fund Society, relative to,	109
Police district, for regulation of,	727
Poor tax, relative to the collection of,	723
provisions of certain act extended to the county of,	723
Registered taxes, relative to,	591
Relative to certain streets in,	299
the laying of gas pipes in,	295
roads and highways in,	418
Richmond district—Commissioners authorized to introduce water, &c.,	358
pave, curb side-walks, &c.,	359
Not liable for certain damages,	424
Place of holding elections in fixed,	576
Saltpetre, regulating storage of,	384
Schuylkill Second street, part of vacated,	55
Second section first school district, relative to vacancies in,	286
Society for the support of charity schools, relative to,	855
Spring Garden—Commissioners authorized to be elected for,	428
First Ward, place of holding elections in fixed,	857
Fifth Ward, divided into two election precincts,	41
Southwark district—Certain powers given to Commissioners of, over ends of streets,	427
Relative to elections in,	298
Sutherland avenue, relative to,	454
Tavern licenses, relative to,	559
Tax collectors, relative to,	359
Temple Hall Association incorporated,	578
Thompson street, relative to,	310
Walnut Hill school house, relating to,	359
Weccacoe Hose Company of Southwark incorporated,	455

	PAGE
Philadelphia, West Philadelphia added to the Philadelphia police district,	570
commissioners authorized to borrow money,	
&c ,	608
name changed,	570
title to certain real estate in confirmed,	363
Wood street, relative to,	476
Wharves and docks in the port of Philadelphia, relative to,	354
Piers in the Susquehanna river, company incorporated to construct,	549
at Chester, resolutions relative to,	734
Pike county—Blooming Grove township, place of holding elections in fixed,	49
Relative to supervisors in Delaware township,	84
Pilotage, half, relating to,	229, 728
Pine Creek and Cawanesque Plank Road Company incorporated,	447
Pittsburg—Authorizing the establishing of a board of health for,	587
and Braddock's Field Plank Road Company, relating to,	708
Certain deed authorized to be executed to the city of,	110
For the regulation of coal in,	422
Life Insurance Company incorporated,	35
Monongahela wharf declared a public landing,	708
Relative to certain bonds or certificates issued by,	365
the collection of taxes in,	421
voting in,	421
water taxes in,	421
Resolutions relating to certain ground in,	740
Wylie street, relative to,	555
Plank Road Company—Abington Turnpike and, incorporated,	284
Addison and Elkland, incorporated,	102
Allegheny and Butler, Auditor General authorized to	
transfer certain stock to,	269
Manchester, relative to tolls on,	643
Bald Eagle, additional powers granted to,	7
Beech Creek, incorporated,	329
Bridgeton and Newtown, incorporated,	704
Brownington and Perrysville, incorporated,	22
Butler, Callensburg, and Clarion, incorporated,	691
Catfish, Brady's Bend, and Butler, incorporated,	397
Carbondale and Providence, incorporated,	434
Cawanesque, relating to,	354
Ceres and Oswago, incorporated,	700
Columbus and State Line, incorporated,	5
Conemaugh and Indiana, authorized to extend road	
and erect a bridge,	258
Conewago, incorporated,	60
Darby, relating to toll-houses on,	862
Derby and Ridley, incorporated,	618

	PAGE
Plank Road Company—Dunk's Ferry and Buck, incorporated,	480
Elizabeth Turnpike and, incorporated,	23
Erie and Waterford, additional powers granted to,	414
Wattsburg, additional powers granted to,	477
Findleyville and Saw Mill Run, incorporated,	267
Garrettsford, incorporated,	195
Greensburg and Uniontown, incorporated,	668
Harmony and Mercer, incorporated,	433
Haverford, incorporated,	456
Hebron and State Line, incorporated,	443
Hollidaysburg and Bedford, supplement,	652
Honesdale and Delaware, supplement,	288
Jefferson and Ebensburg, incorporated,	311
Kittanning,	703
Larry's Creek, relative to tolls on,	357
Lawrenceville and Sharpsburg, incorporated,	555
Lewisburg and Brush Valley, incorporated,	510
Manheim and Lebanon, incorporated,	523
Martinsburg, incorporated,	99
Mercer and Shenango, incorporated,	189
Miller's Run and Cross Creek Valley, incorporated,	552
Millerstown, Andersonburg, and New Germantown, incorporated,	244
Montrose and Harford, incorporated,	16
Muncy Creek, provisions of certain act extended to,	594
Myers' Mills, incorporated,	600
New Brighton and Harmony, incorporated,	594
New Castle and Portersville, incorporated,	439
Enon Valley, incorporated,	536
Penningtonville and Oxford, incorporated,	253
Pine Creek and Cawanesque, incorporated,	447
Pittsburg and Braddock's Field, relative to,	708
Sherman's Valley, incorporated,	507
Shrewsbury, Hopewell, and Chanceford, incorporated,	274
Somerset and Conemaugh, incorporated,	386
Johnstown, incorporated,	229
Spring Creek and Greene, incorporated,	656
Springville and Tunkhannock, incorporated,	184
Sullivan and Bradford, incorporated,	593
Supplement to act regulating,	854
Tarentum and Saxonsburg, incorporated,	203
Temperanceville and Noblestown, additional powers granted to,	39
Tioga and Lawrenceville, supplement,	405
Towanda and Athens, incorporated,	490

	PAGE
Plank Road Company—Towanda and Burlington, incorporated,	382
Trout Run and Blossburg, incorporated,	693
Upper Ten Mile, in Washington county, incorporated,	690
Valley and Mountain, incorporated,	584
Waterford and Union, incorporated,	477
Marvin's mills, incorporated,	494
Wattsburg and State Line, incorporated,	255
Wellersburg and West Newton, authorized to extend road,	422
Wellsboro' and Mansfield, relating to,	245
Wellsburg, incorporated,	524
West Greenville and Ohio State Line, incorporated,	319
Newton and Braddock's Field, incorporated,	542
Wilkesbarre and Providence, incorporated,	645
Wyoming County, incorporated,	436
York and Hopewell, incorporated,	658
Youngsville and Sugar Grove, incorporated,	481
Pleadings, relative to,	614
Police district, Philadelphia, West Philadelphia added to,	570
for regulation of,	727
relative to salary, &c., of marshal of,	861
relative to nominations of policemen to the marshal of,	667
Political meetings, provisions of certain act extended to,	568
Poor, guardians of, in Philadelphia county, relative to,	266
Poor House—Beaver county, authorized to be erected,	260
Crawford county, to provide for the erection of a,	715
Huntingdon county, supplement to act erecting,	29
Lycoming county, authorizing the erection of a,	406
Mifflin county, relative to sale of,	122
Port of Philadelphia, relative to wharves and docks in,	354
wardens of,	722
Pittsburg, to establish a Board of Health for,	587
Porter and Smith, relative to claim of,	635
Porter Wm. H., of Bradford county, legitimated,	447
Potter county—Commissioners authorized to borrow money,	211
Coudersport Academy, for relief of,	211
Pike township, place of holding elections in fixed,	49
Relative to convicts in,	792
Rowlette township, place of holding elections in fixed,	191
Potts, Noah, for relief of,	451
Pottsgrove Cemetery Company incorporated,	791
Pottsville and Danville Railroad Company, appropriation to,	679
Gas Company incorporated,	774
Power, Francis S. R., name changed from,	447
Power, Thomas J., payment of,	684
Power, Samuel, for payment of,	685

	PAGE
Power of Attorney to George Morris Knevelt, certain power of attorney confirmed to,	568
Presbyterian Institute of the Presbytery of Philadelphia incorporated,	539
Price, Wm. P., for payment of,	685
Printing and publishing, certain act extended to,	576
appropriation for,	677
Prison, Schuylkill county, to extend time for erection,	56
County, for the regulation of,	353
Montgomery county, for regulation of,	388
Lancaster county, pay of inspectors of,	657
Process, relative to the service of, on Foreign Insurance companies and other corporations,	354
Prompton and Cherry Ridge Turnpike Road Company incorporated,	482
Protection Mutual Fire Insurance Company of Littlestown, Adams county, incorporated,	499
Prothonotary of Sullivan county, relative to,	50
Lycoming county, relative to fees of,	329
McKean county, relative to the election of,	425
Butler county, relative to the election of,	553
Bradford and Susquehanna counties, relative to,	726
of the Court of Common Pleas of Philadelphia county required to record partition, &c.,	878
Public Ground Company, Old Columbia, relative to,	441
buildings, appropriation for,	682
grounds, for the better preservation of,	712

Q.

Quakertown and Sellerstown Turnpike Road Company incorporated,	660
--	-----

R.

Race, Jonathan and Jane, his wife, divorced,	854
Railroads in Erie county, guages fixed,	155
Bear Mountain, time for completion extended,	569
Beaver Meadow, additional powers conferred upon,	331
Cattawissa, Williamsport, and Erie, supplement,	429
Cumberland Valley, relating to,	714
Danville and Pottsville, relative to,	460, 857
Delaware and Cobb's Gap, incorporated,	757
Delaware and Cobb's Gap, relative to,	454
Jefferson, incorporated,	726
Hempfield, relative to subscriptions to, &c.,	470
incorporated,	862
Lafayette incorporated,	868
Lateral, in Allegheny county, relative to tolls on,	536
Lebanon Valley, relative to tax on,	625
Liggett's Gap, supplement,	231

Railroads in	Liggett's Gap, name changed,	629
	Little Schuylkill and Susquehanna, supplement,	429
	Lykens Valley, relating to,	362
	Mahonoy and Wisconsin, relative to,	621
	Mount Carmel and Shamokin, incorporated,	620
	New Hope, Doylestown, and Norristown, supplement,	586
	New York and Erie, required to erect fences, &c.,	629
	Norristown and Valley, construing act concerning,	418
	Pennsylvania, repeal of certain act concerning,	506
	construing act concerning,	518
	Pequa Railroad and Improvement Company, supplement to act incorporating,	16
	Pottsville and Danville, appropriation to,	679
	Relative to the obstruction of private roads by,	518
	railroads in Mifflin county,	820
	Rock Cabin and Tangascotack, charter extended,	442
	Strasburg incorporated,	53
	Susquehanna incorporated,	626
	Tioga, relative to,	211, 275
	West Philadelphia, appropriation for,	684
	Wilkesbarre and Scranton incorporated,	70
	Williamsport and Elmira, relative to,	128
	supplementary,	667
	Williams Valley Railroad and Mining Company, relative to,	447
	York and Cumberland, supplement,	463
Ramsey, Sterrett, for payment of,		686
Randolph, Taylor F., payment to,		657
Ray's Hill, Werefordsburg, and Maryland Line Turnpike Road Company incorporated,		332
Reading—Spruce Ward school directors authorized to borrow money,		573
Real Estate—Additional powers granted to Orphans' Courts in the sale of,		305
	Angue, Anna Maria, guardian of, authorized to sell certain,	250
	Armstrong, William, authorized to sell certain,	125
	Bacon, David, deceased, trustees under the will of, authorized to sell certain,	12
	Baltdorff, Benjamin, relative to real estate of,	640
	Berge, John, executors of, authorized to sell certain,	714
	Bollar, Catharine, trustees of, authorized to sell certain,	113
	Bradford, Samuel, deceased, guardian of minor children of, authorized to sell certain,	365
	Breckenridge, Mary M., relative to estate of,	643
	Burger, David, authorized to sell certain,	745
	Bush, George, guardian of minor children of, authorized to sell certain,	300
	Carlisle, Eliza M., guardian of, authorized to improve certain,	151
	Christ's and St. Peter's Church, Philadelphia, authorized to sell,	495

	PAGE
Real Estate—Christ's Church, Loysville, Perry county, sale made by, confirmed,	714
Clark, Ephraim, relative to estate of,	854
Clarke (late Rogers), Mary M., authorized to sell certain,	90
Clarkson, Dr. James S., administrators of, authorized to sell certain,	233
Comly, Watson, Josiah Walton, and Charles Warmesley, authorized to sell certain,	212
Commissioners of Armstrong county authorized to sell certain,	361
Berks county authorized to sell certain,	147
Columbia county authorized to sell certain,	125
Schuykill county authorized to sell certain,	19
Corbin, Rebecca, authorized to sell certain,	525
Crawford, G. B., guardian of, authorized to sell,	873
Douglass, George, relative to estate of,	573
Dumoutet, John Baptist, trustees under the will of, authorized to sell certain,	8
Duncan, Louisa M., relative to estate of,	25
Dunlap, Polly, relative to estate of,	559
Elliott, Matilda, committee of, authorized to sell,	643
Embich, Israel, deceased, executor of, authorized to sell certain,	15
Erwin, Susan, title to certain, vested in,	585
Farley, Thomas, title to certain, confirmed to,	422
Farquhar, George W., relative to estate of,	193
Fisher, James C., relative to estate of,	277
Ford, Elizabeth D., relative to estate of,	287
Foreman, John, authorized to sell certain,	227
Fortney, John, authorized to sell certain,	732
German congregation of Moore township, Northampton county, authorized to sell,	224
German Lutheran Church of Philadelphia, authorized to dispose of certain,	556
Goodwin, Adelaide, to confirm certain sales of,	251
Graeff, Sarah Y., administratrix, authorized to sell certain,	528
Graham, Arthur, relative to estate of,	233
Guernsey, Joseph W., administrators of, authorized to sell certain,	761
Hartley, John Martin, deceased, trustee under the will of, authorized to sell certain,	114, 251
Harvey, Samuel, junior, trustee, authorized to sell certain,	20
Haydock, Mary A., trustee under the will of, authorized to sell certain,	225
Hermann, John, authorized to sell,	872
Huber, Samuel, junior, committee of, authorized to sell certain,	8
Hyneman, Moses, guardian authorized to sell certain,	252
in Erie county, relative to certain,	878
Jones, Thomas H., administrators authorized to sell certain.	282
Keating, John and Wm. V., authorized to sell certain,	401

	PAGE
Real Estate—Keller, Anna Victoria, authorized to sell certain,	824
Kendall, Richard M., guardian of minor children of, authorized to sell,	449
Kenrick, Right Reverend Francis Patrick, authorized to sell certain,	233, 381
Kershner, John Brossman, and John Stamm, guardians, authorized to sell certain,	448
King, Thomas, guardian of minor children of, authorized to sell certain,	51
Knorr, Sarah, trustee of, authorized to sell certain,	506
Lardner, Mary P. (formerly Mary P. Downing), trustee of, authorized to sell certain,	138
Large, Rebecca, relative to estate of,	335
Leaming, Rebecca, guardian of, authorized to sell certain,	277
Leas, Wm. B., relative to estate of,	663
Lee, James and Alexander, trustee authorized to sell certain,	870
Lewis, Sarah F., deceased, executors authorized to sell certain,	75
Lewis, Abraham Kirkpatrick, authorized to sell certain,	233
Ley, Christian, administrator authorized to sell certain,	197
Light, John S. S. and Thomas Light, authorized to sell certain church property,	72
Linnerd, John, deceased, trustee under the will of, authorized to sell certain,	111
Lucas, John, authorized to perfect title to,	873
Maclay, Samuel, deceased, guardian of minor children, authorized to sell certain,	312
Manly, Henry, trustee named in the will of, authorized to sell,	577
Marie, Charles, also called Charles Berthault, relative to estate of,	414
Markland, Mary Ann, trustee of, authorized to sell certain,	89
Martin, John, deceased, executrix of, authorized to sell certain,	196
McDonald, Alexander, deceased, relative to estate of,	538
McKibbin, Wm. D., guardian of, authorized to sell,	857
McLain, Samuel, deceased, executors enabled to sell part of certain,	10
McMasters, John, to mortgage certain real estate of,	422
Mench, Charles B., trustee, authorized to sell certain,	571
Methodist Episcopal Church of Wattsburg, authorized to sell,	878
Berlin, authorized to sell,	51
Dearfield, Warren county, authorized to sell,	97
Miller, Jesse, deceased, administrator authorized to sell certain,	438
Milligan, Francis, trustees under the will of, authorized to sell certain,	227
Moorehead, Jane, relative to estate of,	256
Morgan, Geo. W., executor authorized to sell certain,	276
Morgan, Harriet A., trustee of, authorized to sell,	276
Mosser, John, and Augustus Leiss, authorized to purchase certain,	56
Needles, Joseph A., executors authorized to sell,	227

	PAGE
Real Estate—Nevins, James, title to certain, confirmed,	300
Newell, Andrew, executrix authorized to sell certain,	400
New Hope Delaware Bridge Company, receivers of, authorized to sell certain,	430
Norris, Joseph Parker, relative to estate of,	559
Oakman, Ebenezer P., relative to estate of,	334
Oliver, John C., executors of, authorized to sell certain,	771
Orne, Benjamin, trustee authorized to sell certain,	723
Parker, Alvin H., trustee, authorized to sell,	258
Patterson, James, title of certain, confirmed to,	374
Paxson, Edward, trustees, authorized to sell certain,	877
Paxton, James, deceased, relative estate of,	91
Payne, John, authorized to sell certain,	331
Pennsylvania Company for Insurance on Lives, authorized to sell certain,	226
Pennypacker, Elizabeth F., and other trustees, authorized to sell certain,	315
Reeves, Thomas, Jr., deceased, relative to estate of,	506, 643
Riddle, John S., guardian of minor child of, authorized to sell certain,	256
Stewart, acting administrators authorized to execute deeds for,	256
Roberts, George, deceased, relative to real estate of,	29
Ruffhead, Joseph, authorized to sell certain,	441
Schaff, Isaac, deceased, guardian of minor children of, authorized to purchase,	56
School directors of Monongahela city authorized to sell,	728
Spring township, Perry county, authorized to sell,	438
Williamsport borough authorized to sell,	728
Second Associate Presbyterian Congregation of Philadelphia authorized to sell,	9
Sheriff of Allegheny county authorized to sell certain,	4
Sheesley, Daniel, guardian, authorized to sell certain,	313
Silverthorn, John, relative to estate of,	611
Skinner, Mary, guardian of, authorized to sell certain,	366
Sneeringer, Joseph, authorized to sell certain,	417
Stewart, John, executor, authorized to sell,	361
Stokes, Charles M., title to certain, confirmed,	94
Wyndham H., authorized to sell,	94
Stoner, David, committee of, authorized to purchase,	24
Struthers, John, relative to estate of,	18
Sugden, Wm., deceased, authorizing the sale of the real estate of,	770
Tait, Samuel, deceased, administrator, authorized to sell,	51
Taylor, Mary Ann, deceased, relative to estate of,	537
Tenth Presbyterian Church of Philadelphia authorized to purchase,	387

	PAGE
Real Estate—Thomas, Sarah, trustee of, authorized to sell certain,	112
Thompson, John W., guardian of minor children of, authorized to sell,	777
Throne, John, deceased, executor, authorized to purchase,	207
Title to certain, confirmed to James Patterson,	552
in Delaware county, confirmed,	330
real estate within this Commonwealth, relating to,	307
Trimble, John G., guardian of, authorized to sell certain,	400
Trustees of the German Reformed Churches in Lancaster county, authorized to sell,	33
Methodist Episcopal Church of Sadsbury, Chester county, authorized to sell,	154
Seventh Presbyterian Church of Philadelphia, authorized to sell,	675
Walker, Samuel, deceased, relative to estate of,	187
Wayne, Edward C., sale of certain, confirmed to,	93
West Philadelphia, for the sale of certain,	25
title to certain, confirmed,	363
West William, executors, authorized to sell,	75
Williams, Catharine, certain sale made by guardian of, made valid,	405
Williamson, Samuel, title to certain, confirmed,	214
Wollerton, William, authorized to sell certain,	236
Woodward, John S. C., heirs of, authorized to sell certain,	872
Yohe, Catharine, relative to estate of,	450
Receivers of the New Hope Delaware Bridge Company authorized to sell certain real estate,	430
Recorder of Sullivan county, relative to,	50
Records, Colonial, authorizing the publication of,	72
Reeves, Thomas, Jr., deceased, relative to estate of,	506, 643
Refuge, House of, in Western Pennsylvania, supplement to act establishing,	199
Register, Recorder, Prothonotary, &c., of Sullivan county, relative to,	50
of wills, relative to,	308
Registered taxes in Philadelphia county, relating to,	591
Reiner, Jacob, for relief of,	328
Remley, Emanuel (soldier), for relief of,	427
Rents, water, in the city of Allegheny regulated,	374
Reporter of the decisions of the Supreme Court, fees of,	558
Reports of the decisions of the Supreme Court, relating to,	616
of the United States, resolutions relative to,	734
Revenue Commissioners, pay of,	688
resolution relative to,	739
Reynolds, Levi, for relief of,	97
Rhea, John, heirs of, for payment of,	686
Rheem, Jacob, relative to claim of,	537

	PAGE
Rhey, John, resolution, relative to claim of,	737
Richey, William, name changed from,	646
Richmond district—Relative to the election of commissioners for,	157
Gas Company incorporated,	181
commissioners authorized to introduce water in, &c.,	358
to curb, pave, &c.,	359
not subject to certain damages,	424
Ridge Turnpike Road Company, relative to,	476
Riddle, John S., guardian of the minor child of, authorized to sell certain real estate,	256
Riddle, John Stewart, administrators authorized to execute deeds,	256
River—Allegheny, James Hulings and heirs, authorized to extend a rope, &c., across the	553
Delaware, relative to wharves on,	862
Monongahela, relative to fishing with nets in,	542
Schuylkill and Delaware, relative to water and wharf lines on,	721
Susquehanna Company, incorporated to erect piers in, opposite Columbia,	549
Road and bridge viewers in Cumberland county, relating to,	821
Road—Commissioner in Schuylkill county, relative to a certain,	274
Gray's Ferry, relative to,	869
Edgmont Great, commissioners to re-view and re-lay,	235
Viewers in Northumberland county, relating to,	871
Roads and highways in Philadelphia county, relative to,	418
in Centre and Oliver townships, relative to,	162
Millford township, Juniata county, relative to,	611
Neversink, Berks county, relative to,	240
Gray's Ferry, relative to the paving of,	252
Tioga county, relative to,	334
laws, relative to certain in Wyoming county,	384
in Cumberland county relative to certain,	439
certain extended to Wayne county,	445
relative to a certain, in York county,	417
to the obstruction of, by railroad companies,	518
to, in Luzerne county,	581, 582, 583
Stony Ridge road, Cumberland county, relative to,	439
Wheatfield township, Perry county, certain road laws extended to,	508
State—From Allentown to Lebanon county line, repeal,	150
a point near John Winn's, Mifflin county, to near Andrews, Juniata county, to lay out,	705
in the public road leading from Fredericksburg to the Big dam, to a point in the public road leading from Fredericksburg to Pinegrove, to lay out,	730
Carmichaeltown to Millsboro', to lay out,	132

	PAGE
Roads, State—Certain law relative to, in Crawford and Lawrence counties, repealed,	161
roads in Schuylkill and Columbia counties, repeal of,	638
From Conyngham, in Luzerne county, to the Susquehanna river, repeal,	399
Downingtown to the Conestoga turnpike, to lay out,	617
Fredericksburg, Lebanon county, to Straustown, Berks county, to lay out,	272
Hillsboro' and Pittsburg, to re-locate,	595
In Butler county, repeal,	204
Centre and Union counties, repeal,	453
Monroe and Pike counties, to lay out,	597
York and Cumberland counties, to lay out,	573
From John Galer's, in Union county, to Benedict's mills, in Mifflin county, to lay out,	122
John G. Miles' saw mill, Huntingdon county, to Brown's mills, Mifflin county, to lay out,	591
Loysville, Perry county, to Dry run, Franklin county, to lay out,	579
Martin's creek to Stroudsburg, in Monroe county, to lay out,	452
New Brighton to Allegheny city, to lay out,	308
near Rodenburgers tavern, Montour county, to Ladig & Lantzer's mills, to lay out,	637
Peach to Liberty street, Erie county, to lay out,	131
Petersburg to Browns mills, Mifflin county, to lay out,	271
Relative to a certain, in Carbon county,	201
Indiana county,	198
viewers on a certain, in Allegheny and Washington counties,	536
From Ringgold, Jefferson county, to Kittanning, Armstrong county, to lay out,	699
Smecksburg to the Clarion and Cherry Tree road, repeal,	424
State Lunatic Hospital to Susquehanna river, relative to, the Allegheny and Perrysville plank road to Rochester, Beaver county,	576
the Pennsylvania railroad to M'Culloch's mills, Juniata county, to lay out,	204
To vacate a certain, in Columbia county,	509
From Washingtonville, Montour county, to Muncy, repeal,	145
to Muncy, to lay out,	145
to Muncy, to lay out,	547
Roberts, George, relative to estate of,	29
Robinson, Robert, of Greene county, legitimated,	234
Seth, of Greene county, legitimated,	234
Rock Cabin and Tangascootack Railroad Company, charter extended,	442
Rockport, Carbon county, certain act extended to,	790
Ross, John (late supervisor), relative to accounts of,	387

Rudolph, Mary, relative to personal estate of,	PAGE 33
Ruffhead, Joseph, authorized to sell certain real estate,	441

S.

SALLADE, JACOB, deceased, relative to sureties of,	630
Salt, certain act extended to articles manufactured of,	516
Saltpetre, regulating storage of, in Philadelphia,	384
construing act concerning storage of,	551
Sample, relative to sale of merchandize by,	489
Savery, John and Elizabeth, his wife, divorced,	700
Saving Fund Society, Philadelphia, supplement,	109
Savings Association, Marshall, Philadelphia, name changed, &c.,	505
School House—Bethlehem township, Northampton county, relative to,	139
Byberry township, Philadelphia county, for sale of,	212
Walnut Hill, Philadelphia county, relating to,	359
Wilmington township, Lawrence county, authorizing the sale of,	205
Charity, Philadelphia, relating to,	855
Common, age of admission into, regulated,	818
appropriation to,	677
Districts—Allison, Schuylkill county, relative to,	558
Amity township, Berks county, directors authorized to borrow money,	240
Armstrong township, Indiana county, farm of Wm. C. McKnight attached to, for school purposes,	140
Bethel, Lebanon county, relative to,	238
Carbondale city constituted a separate,	427
Chester borough, and township, Delaware county, erected into separate,	468
Clearfield borough, directors authorized to borrow money,	238
Coal township, Northumberland county, part of erected into a separate district,	444
Columbus, Sugar Grove, and Pine Grove townships, Warren county, relative to school tax in,	140
Cool Spring, Mercer county, erected into a separate,	43
Conemaugh township, Cambria county, relative to,	101
Controller of public schools, Philadelphia county, relative to,	878
Drumore township, relative to a certain school house in,	465
East Brunswick, Schuylkill county, appropriation to,	687
East Hanover township, Lebanon county, directors authorized to make a loan,	139
German township, Fayette county, Benj. Brown attached to, for school purposes,	140

	PAGE
Common School Districts—Granville township, Mifflin county, farm of Joseph Strode, junior, attached to,	143
Graysport, Huntingdon county, relative to,	157
Gray's school district, Westmoreland co., erected,	142
Herrick township, Bradford co., relative to taxes in,	675
Hopewell township, York county, relative to certain school tax in,	4
Huntingdon borough erected into a separate district,	121
relative to school tax in,	563
Jackson township, Mercer county, erected into a separate,	44, 191
Jones' mill school district, Westmoreland county, erected,	599
Kensington, Philadelphia, relative to directors in,	862
Lake township, Mercer county, erected into a separate,	42
Lehman township, Luzerne county, relating to school fund of,	816
Liberty, Mercer county, erected into a separate,	191
Lewistown borough, James Allison authorized to send children to,	644
farm of Jacob Ort attached to,	143
Lyons school district, Susquehanna county, relative to,	238
Mars Hill, Westmoreland county, relative to,	600
Mauch Chunk borough and township, erected into separate,	103
Mercer county, Perry, Deer Creek, Sandy Creek, and New Vernon townships erected into separate,	554
Mifflintown borough, Juniata county, erected into a separate,	428
Milton school district attached to Armstrong co.,	142
Monongahela borough, school directors authorized to sell certain real estate,	728
Monroe township, Cumberland county, relative to,	202
New Castle borough, Lawrence county, erected into a separate,	43
Ninth section first school district, number of directors increased,	674
Norristown, Montgomery county, relative to,	315
Norwegian, East, Schuylkill county, relative to,	139
Old Goshenhoppen school district, Montgomery co., erected,	827
Oley township, Berks county, directors authorized to borrow money,	240
relative to,	242
Overseers of the public schools of Philadelphia, authorized to sell real estate,	560

	PAGE
Common School Districts—Parts of Allegheny and Beaver counties erected into an independent district,	457
Paspey's, in Westmoreland county, relative to,	387
Perry township, Jefferson county, divided into two districts,	42
Pleasant Grove, farm of Thomas Loyde detached from,	132
Point Pleasant, Bucks county, erected into a separate,	527
Rayne township, Indiana county, farm of John St. Clair attached to,	140
Roaring Creek and Beaver townships, Columbia county, relating to,	829
Robinson and Snowden townships, Allegheny co., relative to taxes in,	559
Schuylkill school district, Schuylkill county, relating to,	609
Second section first district, relative to vacancies in,	286
Schuylkill Haven, directors authorized to borrow money, &c.,	287
Spring township, Perry county, directors authorized to sell real estate,	433
Spruce Ward, Reading, directors authorized to borrow money,	573
Stephens school district, Schuylkill county, erected,	600
Tyrone township, Perry county, relative to,	161
Vernon and Mead townships, Crawford county, relative to taxes in,	559
Washington township, part of erected into a separate, York co., appropriation to,	459 687
Wells township, Fulton county, divided into sub-districts,	131
West Town, Chester county, relative to,	687
Williamsport borough, relative to treasurer of, relative to,	299 728
Wilmington township, Lawrence county, relative to school houses in,	205
West Vincent, Chester county, relative to,	829
Schools, Military, authorizing the issuing of arms to,	53
Schuylkill Bridge Company, near the Flat Rock, incorporated,	511
Schuylkill county—Agricultural Society incorporated, appropriation to,	557 558
Allison school district, relating to,	558
Actions on notes, bonds in, relative to,	625
Commissioners of, authorized to sell certain real estate,	19
County Prison, time for completion extended,	56
Court of Common Pleas, Chancery powers granted to,	871

	PAGE
Schuylkill county—East Norwegian school district, relative to,	139
Eldred township, relative to elections in,	191
place of holding elections in fixed,	40
Rush township, place of holding elections in fixed,	40
Relative to township officers in Branch and Cass townships,	473
to the destruction of deer in,	214
Mahanoy township, place of holding elections in fixed,	43
Miner's, relative to,	542
Minersville borough, limits extended, &c.,	478, 742
Orwigsburg, limits extended,	335
New Castle township, relative to supervisors in,	84
Port Carbon, election district enlarged,	139
Pottsville borough, relative to certain alleys in,	373
relative to streets, lanes, and alleys in,	569
Schuylkill school district, relating to,	609
Pottsville borough, N. W. Ward, place of holding elections in fixed,	43
Relative to a certain road commissioner in,	274
Schuylkill Haven borough, relative to schools in,	237
Seat of justice, relating to the removal of,	336
Tremont township, relative to supervisors in,	88
West Penn township, relative to voters in,	558
Stephens school district erected,	600
Scott, John, relative to claim of.	254
Seat of justice, Schuylkill county, relative to the removal of,	336
Secretary of the Commonwealth authorized to continue the publication of the Colonial Records,	72
enrol a certain act of Assembly,	838
invite proposals for the publication of the geological report,	636
appropriation for salary of,	676
duties of, in publication of laws,	124
Seminary, Birmingham Female, incorporated,	401
New Alexandria Female, incorporated,	521
Sequestration of life estates, relating to,	616
Shank, Jacob, of Lancaster county, legitimated,	278
Sharon Iron Company, Mercer county, relative to,	156
Sheafferstown Academy incorporated,	590
Sheesley, Daniel, guardian, authorized to sell certain real estate,	313
Sheriff of Allegheny county authorized to sell certain real estate,	4
Sherman's Valley Plank Road Company incorporated,	507
Shoemaker, Tobias, appointed trustee for Samuel Henderson,	385
Shrewsbury, Hopewell, and Chanceford Plank Road Company incorporated,	274
Shroyer, Peter, certain deed executed by, confirmed,	553
Shultz, Philip, relative to name of, in certain act of Assembly,	401

	PAGE
Silverthorn, John, relative to estate of,	611
Skinner, Mary, guardian of, authorized to sell certain real estate,	366
Sluices, Susquehanna Canal Company required to construct certain,	714
relative to fishing near said,	715
Smith, Frederick, authorized to collect certain school tax in Hopewell township, York county,	4
Sneeringer, Joseph, authorized to sell certain real estate,	417
Snyder, Catharine, for relief of,	494
Daniel, wife of, divested of dower in certain estate,	575
Soldiers and widows of soldiers, for relief of—	
Adams, Nancy,	110
Baird, Margaret,	494
Balliott, Barbara,	450
Barr, Thomas, Sen.,	110
Boyle, Charles,	657
Boyles, Charles,	608
Bellas, Martha,	328
Brewer, Elizabeth,	328
Byers, Mary,	451
Coln, Ann,	328
Clark, Catharine,	451
Cook, George,	608
Eardon, Elizabeth,	451
Ellender, Mary,	110
Finnefrock, Margaret Ann,	451
Finney, Nancy,	452
Fluck, Catharine,	451
Fre, Rebecca,	494
Gilbert, Stephen, (heirs of),	452
Gillespie, Martha,	328
Gonter, Elizabeth,	328
Gring, Gerdrand,	110
Harper, Elizabeth,	328
Housman, Jacob,	451
Irwin, Mary,	657
Jones, Mary,	451
Lemon, Agnes,	328
Lingenfelter, Mary,	451
Linn, Jane,	494
Miller, George,	451
Moor, Sergeant William,	611
Potts, Noah,	451
Randolph, Taylor F.,	657
Reiner, Jacob,	328
Remley, Emanuel,	427
Snyder, Catharine,	494
Thompson, Elizabeth,	451
Williams, Honore,	451
Workman, Jane S.,	451
Zimmerman, Barbara,	110
Soldiers of the war of 1812, and Indian wars, resolution relative to,	733, 737
Solicitors of banks in Philadelphia county, relative to election of,	295
Somerset and Conemaugh Plank Road Company incorporated,	386
Johnstown Plank Road Company incorporated,	229
Somerset county—Relative to sale of certain turnpikes in,	387
Somerset borough, authorizing the increase of justices of the peace in,	428
township, authorizing additional supervisors for,	51
Sons of Temperance Hall Association of Rawlinsville incorporated,	464
Doylestown incorporated,	526
Southwark district, certain powers granted to commissioners over ends of streets, relative to elections in,	427
gas works in,	293
Spring Creek and Greene Plank Road Company incorporated,	577
Spring Garden—Authorizing the election of commissioners for,	656
First Ward, place of holding elections in fixed,	428
Fifth Ward, divided into two election precincts,	857
Springville and Tunkhannock Turnpike or Plank Road Company incorporated,	41
Spruce Creek and Philipsburg Turnpike Road, supplement,	184
	186

Stage companies—Relative to the collection of debts from,	675
State road—From Allentown to the Lebanon county line, repeal,	150
a point in the public road leading from Fredericksburg to the Big Dam, to a point in the public road leading from Fredericksburg to Pinegrove,	730
Carmichaelstown to Millsboro, to lay out,	132
Conyngham, Luzerne county, to the Susquehanna river, repeal,	399
Downingtown to the Conestoga turnpike, to lay out,	617
Fredericksburg, Lebanon county, to Straustown, Berks county, to lay out,	272
Hillsboro and Pittsburg, to re-locate,	595
In Butler county, repeal,	204
Centre and Union counties, repeal of a certain,	453
Monroe and Pike counties, to lay out a certain,	597
York and Cumberland counties, to lay out,	573
From John Galer's, in Union county, to Benedict's mill, in Mifflin county, to lay out,	122
John G. Miles' saw mill, Huntingdon county, to Brown's mills, Mifflin county, to lay out,	591
Loysville, Perry county, to Dry Run, Franklin county, to lay out,	579
Martin's creek to Stroudsburg, in Monroe county, near John Winn's, Mifflin county, to near Andrews, in Juniata county, to lay out,	452
New Brighton to Allegheny city, to lay out,	705
Petersburg to Brown's mills, to lay out,	308
Ringgold, Jefferson county, to Kittanning, Armstrong county, to lay out,	271
Rodenburger's tavern, Montour county, to Ladig and Lantzer's mills, to lay out,	699
Sneeksburg to the Clarion and Cherry Tree road, repeal,	637
State Lunatic Hospital to Susquehanna river, relating to, the Allegheny and Perrysville Plank road to Rochester, Beaver county, to lay out,	424
the Pennsylvania Railroad to M'Culloch's mills, Juniata county, to lay out,	576
Washingtonville, Montour county, to Muncy, repeal,	204
to Muncy, to lay out,	509
Relative to a certain in Carbon county,	145
Indiana county,	547
viewers on a certain, in Allegheny and Washington counties,	201
Repeal of certain road laws in Schuylkill and Columbia counties,	198
To vacate a certain in Columbia county,	536
State Treasurer—Authorized to pay a gratuity to Elizabeth Jones,	638
certain moneys to Austin Thompson,	145
	195
	287

	PAGE
State Treasurer—authorized to pay certain moneys to David T. Storm,	308
Andrew Van Camp,	439
Jacob Herr,	466
Benjamin Bonsall,	594
Taylor, F. Randolph,	657
See soldiers and widows of soldiers.	
appropriation for salary of,	676
authorized to negotiate a loan,	680, 688
refund certain moneys to John M'Ilheny,	707
pay Lawrence Taliaferro certain moneys,	728
Thomas C. Hambly certain moneys,	736
Luther Kidder and Wm. A. Crabb,	739
St. Clair, John, farm of attached to Rayne township, Indiana county, for school purposes,	140
Stevens, Simon, and John F. Means, authorized to establish a ferry across the Susquehanna river,	257
Stewart, John, executor of, authorized to sell certain real estate,	361
Stock—Auditor General authorized to transfer certain to the Allegheny and Butler Plank Road Company,	269
Stokes, Charles M., title of certain real estate confirmed to,	94
Wyndham H., authorized to sell certain real estate,	94
Stoner, David, committee of, authorized to purchase real estate,	24
Storage of saltpetre in Philadelphia regulated,	384
construing act concerning,	551
Storm, David T., for relief of,	311
Stout's Ferry Bridge Company incorporated,	858
Strasburg Railroad Company incorporated,	53
Strattonville village erected into a borough,	843
Street commissioners of New Bridgeton borough, relative to,	294
Streets—Allentown borough, relative to,	576
Broad, Philadelphia, for the widening of,	294
Cumberland and Susanna, Philadelphia county, relative to,	303
Dauphin, Philadelphia county, relative to,	476
Delaware avenue, Philadelphia county, relative to,	476
Franklin, Venango county, to vacate,	96
From Peach to Liberty street, in Erie county, to lay out,	131
In Germantown, relative to,	157
Philadelphia, county, relative to,	299
Lewisburg borough, relative to a certain street in,	123
Monongahela city, relative to a certain,	663
Pottsville borough, relating to streets, lanes, and alleys in,	569
Schuylkill Second, Philadelphia county, part of vacated,	55
South Pittsburg borough, relative to,	708, 710
To locate a certain, in Brookeville, Jefferson county,	466
Thompson, Philadelphia county, relative to,	301

	PAGE
Streets—Wager street, Philadelphia county, to vacate,	359
Washington street, Kensington district, width of,	304
West Philadelphia, relative to,	304
Wood street, Philadelphia county, relative to,	476
Wylie street, Pittsburg, relative to,	555
Strode, Joseph, Jr., farm attached to Granville school district,	143
Struthers, John, relative to estate of,	18
Sugar Valley and White Deer Turnpike Road Company, supplement,	517
Suits—See Actions.	
Sugden, William, deceased, authorizing the sale of the real estate of,	770
Sullivan and Bradford Plank Road Company incorporated,	593
Sullivan county—County officers, relative to,	50
Laporte township, erected into a separate election district,	425
North branch of the Loyalsock, declared a public highway,	428
Relative to tavern licenses in,	192
Summitville, Cambria county, incorporated into a borough,	825
Supervisors—Auburn township, Susquehanna county, relative to, in,	88
Barnett township, Jefferson county, relative to,	519
Black Lick township, Indiana county, relative to, in,	88
Collins township, Allegheny county, relating to,	149
Exeter township, Luzerne county, certain powers conferred upon,	284
Franklin township, Greene county, additional, authorized,	523
Lack township, Juniata county, relating to,	470
Lancaster county, relative to bonds of,	519
Lynn township, Lehigh county, election of,	424
Mount Pleasant and Clinton townships, Wayne county, relating to,	445
North Penn township, Philadelphia county, pay of,	580
Preston township, Wayne county, relative to,	426
Relative to, in Bucks, Pike, and Schuylkill counties,	84
duties of, in Centre and Oliver townships, Perry county,	162
Slippery Rock and Shenango townships, Lawrence county, relative to,	203
Somerset township, Somerset county, election of additional, authorized,	51
South Mahoning township, Indiana county, relative to, in,	87
Tremont township, Schuylkill county, relative to, in,	88
White township, Indiana county, relative to,	480
Womelsdorf, Berks county, relative to,	498
Sureties of Jacob Sallade, deceased, relative to,	630
Survey of the borough of Easton, authorizing a,	711
Surveyor General, appropriation for salary of,	676
Susquehanna and Union Bridge Company incorporated,	827
Susquehanna county—Auburn township, relative to roads and supervisors in,	88
Bank, commissioners appointed to investigate affairs of,	815

	PAGE
Susquehanna county—Choeconut and Middletown township, relating to path- masters in,	88
Commissioners authorized to borrow money, &c.,	423
Franklin township, place of holding elections in fixed,	40
Lathrop township, place of holding elections in fixed,	424
Lyons school district, relative to,	238
Montrose borough, limits extended,	193
Public buildings authorized to be erected,	423
Relative to the license of beer houses, ten-pin alleys, &c., in,	629
Susquehanna Railroad Company incorporated,	626
Sutton, Alfred, deceased, relative to accounts of,	423
Swede Iron Company incorporated	701

T

Tait, Samuel, deceased, administrator of, authorized to sell certain real estate	51
Tailiaferro, Lawrence, for relief of,	728
Tangascotack Improvement Company incorporated,	298
Tarentum and Saxonsburg Plank Road Company incorporated,	203
Tavern license, George Potts, of Blair county, relative to,	255
Tax payers of this Commonwealth, relative to appeals by,	616
Taxes—Allegheny county, relative to tax on dogs in,	541
Robinson and Snowden townships, relative to school tax in,	559
township, Blair county, relative to road taxes in	401
Aramingo borough, relative to,	579
Burn township, Berks county, relative to collection of,	667
Chester county, tax on dogs, relative to,	236
Colebrookdale township, Berks county, relative to taxes in,	242
Concord township, Erie county, relative to,	567
Doylestown borough, moneys at interest taxable for borough purposes,	212
Herrick township, Bradford county, relative to school taxes in,	675
Hopewell township, York county, relative to the collection of certain school taxes in,	4
Manheim township, Lancaster county, provisions of certain act ex- tended to,	284
Maxatawney and Greenwich townships, Berks county, relative to taxes in,	243
Muhlenberg township, Berks county, relative to,	240
Northern Liberties, relative to collection of,	506
On exempt property, relating to,	625
Philadelphia county, relative to tax collectors in,	359
Pittsburg city, relative to the collection of,	421
Plymouth township, Luzerne county, relative to,	640
Poor, in Philadelphia city, relative to collection of,	723
Registered in Philadelphia county, relative to,	591

	PAGE
Taxes—Road, relating to in Clinton county,	646
Venango county, relative to the collection of,	317
Warren county, relative to taxes in certain townships,	568
West Earl township, Lancaster county, relative to,	234
Wilson, George authorized to collect certain, in Huntingdon county,	567
Taylor, Mary Ann, deceased, relative to estate of,	537
General Zachary, late President of the United States, resolutions relative to the death of,	741
Telegraphic operators, for regulation of,	614
Temperanceville and Noblestown Turnpike and Plank Road Company, additional powers granted to,	39
Temple Hall Association of Philadelphia county incorporated,	578
Ten-pin alleys, &c., in Tioga county, relating to,	375
relating to license of,	570
Thayer and Richardson, for payment of,	686
Theatres, menageries, circuses, &c., relative to license of,	596
Thomas, Alexander, of Allegheny county, legitimated,	541
Elizabeth, for relief of,	451
Sarah, trustee of authorized to sell certain real estate,	112
Thompson, Austin, for relief of,	287, 826
John W., guardian of the minor children of, authorized to sell certain real estate,	777
Throne, Thomas, deceased, executor, authorized to purchase real estate,	207
Tioga and Lawrenceville Plank Road Company, supplement,	405
Tioga county—Covington, erected into a borough,	811
Certain elections in Lawrence and Chatham townships, validated,	231
Deerfield township, place of holding elections in fixed,	425
Elkland borough, erected into a separate election district,	424
Farmington township, place of holding elections in fixed,	43
Knoxville, incorporated into a borough,	803
Relative to certain road laws in,	334
bridges in,	245
billiard rooms, bowling saloons, and ten-pin alleys in,	375
boundary line of,	441
Middletown township, place of holding elections in fixed,	148
Tioga Railroad Company, relative to,	211, 275
Title to real estate in this Commonwealth, relative to,	307
certain real estate confirmed to James Patterson,	374
Thomas Farley,	422
James Patterson,	552
Jacob E. Clayton,	603
Towanda and Athens Plank Road Company incorporated,	490
Towanda and Burlington Plank Road Company,	382
Township, Economy, Beaver county, erected,	311

	PAGE
Township, Chartiers, Allegheny county, erected,	457
Cambridge, Crawford county, erected,	707
Treasurer, county, authorizing the re-election of, in Berks county,	242
Trimble, John G., guardian of, authorized to sell certain real estate,	400
Trout, relative to the destruction of, in Cumberland county,	438
Run and Blossburg Plank Road Company, incorporated,	693
Trustees—Authorizing the appointment for Mary P. Moore, of Washington county,	234
Samuel Henderson,	385
Mary Fortner,	645
Elizabeth Hoge and children,	869
Trusts—Kingsbury, Marion W., relative to,	332
Walker, Jonathan G., authorized to execute certain,	51
Peter, discharged from certain,	51
Turnpikes—Abington Turnpike and Plank Road Company incorporated,	284
Bedford and Stoystown, relative to assignment of stock in,	602
appointment of managers for,	818
Bellefonte, Aaronsburg, and Youngmanstown, relative to,	869
Bethany and Dingman's Choice, certain act extended to,	570
Honesdale, certain act extended to,	570
Birmingham and Elizabeth, sale of stock authorized,	818
Brownsville Macadamised, incorporated,	66
Bloody Run, Clearville, and Maryland, incorporated,	601
Bridgeton and Newtown, incorporated,	704
Butler and Mercer, relative to,	553
Byberry and Andalusia, incorporated,	651
Poquesink, incorporated,	636
Carbondale and Providence incorporated,	434
Carlisle and Hanover, relative to,	196
Catfish and Clarion, incorporated,	286
Chambersburg and Bedford, relating to the appointment of managers for,	818
Cherry Bridge and East Sterling,	570
Clarion and Allegheny, incorporated,	853
Clearfield and Curwinstown, time for completion extended,	427
Conemaugh Bridge and Turnpike Road Company incorporated,	799
Danborough and Plumsteadville, supplement,	198
Darby, relating to toll-houses on,	862
Derby and Ridley, incorporated,	618
Dunks' Ferry and Buck, incorporated,	480
Elizabeth Turnpike and Plank Road Company incorporated,	23
Frankford and Bristol, relative to,	854
General act regulating, extended to certain turnpike road companies,	570
Green Lane and Goshenhoppen, supplement,	127

Turnpikes—Greensburg and Mount Pleasant, subscriptions to,	567
Uniontown incorporated,	668
Greenville and Centreville incorporated,	146
Harmony and Mercer incorporated,	433
Hollidaysburg and Bedford, time for completion extended,	566
Honesdale and Big Eddy, certain act extended to,	570
Cherry Ridge, certain act extended to,	570
Lancaster, Elizabethtown, and Middletown, supplement to act incorporating,	34
Lewistown and Kishacoquillas Turnpike Road Company, relating to,	611
Loretto, incorporated,	362
Manheim and Lebanon, incorporated,	513
Marietta and Mount Joy, incorporated,	283
Millheim and East Kishacoquillas, relating to,	611
New Holland, supplement to act incorporating,	34
Philadelphia and Lancaster, relative to,	305
Pittsburg and Birmingham, relative to,	710
Pittsburg and Coal Hill, relative to,	710
Pittsburg and Steubenville, authorized to plank part of their road,	76
Prompton and Cherry Ridge, incorporated,	482
Quakertown and Sellerstown, incorporated,	660
Relative to the sale of certain, in Somerset county,	387
certain, in Lancaster county,	301
Rays Hill, Wernfordsburg, and Maryland Line, incorporated,	332
Ridge turnpike road, relative to,	476
Springville and Tunkhannock, incorporated,	184
Spruce Creek and Philipsburg, supplement,	186
Sugar Valley and White Deer, supplement,	517
Supplement to act regulating,	854
Temperanceville and Noblestown, additional powers granted to,	39
Turnpike gates in Berks county, relative to,	498
Union, incorporated,	221
Valley and Mountain incorporated,	584
Walker, Marion, and Howard, incorporated,	356
Washington and Pittsburg, relative to,	710
Waynesboro', Quiney, Funkstown, and Fayetteville, supplement,	144
Waynesburg, Greencastle, and Mercersburg, supplement,	95
Whitemarsh and Plymouth, authorized to borrow money,	660
Wrightsville and New Holland, relating to,	839
York and Gettysburg, relative to,	180
Hopewell, incorporated,	658

U.

Uniformed militia of Perry and Luzerne counties, relative to,	713
---	-----

	PAGE
Union Beneficial Society of Oxford, Adams county, incorporated,	503
Union county—Lewisburg borough, relative to elections in,	158
Lewisburg Infantry, pay of,	446
New Berlin borough, certain property annexed to,	158
Union Hall Association of York county, incorporated,	415
Meeting House, Centre county, relative to trustees of,	7
School and Childrens' Home Asylum, incorporated,	488
Turnpike Road Company incorporated,	221
Uniontown Water Company incorporated,	694
United States Insurance Annuity and Trust Company, incorporated,	817
Unseated lands in Lycoming county, relative to sale of,	356
actions of ejectment for, relating to,	615
Upper Ten Mile Plank Road Company, in Washington county, incorporated,	690

V.

Valley and Mountain Turnpike and Plank Road Company incorporated,	584
Van Camp, Andrew, for relief of,	439
Venango county—Canal township, place of holding elections in fixed,	156
Franklin, to vacate streets, lanes, &c., in,	96
Relative to the collection of taxes in,	317
Sandy Creek township, place of holding fixed,	294
Vigilant Hose Company of Southwark incorporated,	572
Volunteers—Broad Top Rifle Rangers, relative to,	519
First and second regiments, for the payment of,	292
First Lycoming troops, pay of,	446
Independent Rangers, name changed from,	444
Liverpool Light Artillery Company, of Perry county, to be furnished a cannon, &c.,	438
Lewisburg Infantry, pay of,	446
Monroe Artillery, to be furnished with field piece, &c.,	607
Northumberland and Point Infantry, name changed from,	444, 520
Perry Riflemen, pay of,	445

W.

Walker, Jonathan G., authorized to execute part of certain trust estate,	51
Marion, and Howard Turnpike Road Company incorporated,	356
Peter, discharged from a certain trust estate,	51
Samuel, deceased, relative to estate of,	187
Wardens of the port of Philadelphia, relative to,	722
Warner, Gilbert, authorized to hold his office as justice of the peace within the borough of Montrose,	426
Warren county, Columbus, Sugar Grove, and Pine Grove townships, relative to school tax in,	140
relative to school taxes in certain townships,	568
Washington county—Morris township, place of holding elections in fixed,	830

Washington county—Relative to the sale of liquors in,	82
To prevent the destruction of fish in,	145
Water Company, Bedford, relating to,	101
Easton, relating to,	397
Germantown, incorporated,	296
relative to,	674, 727
Uniontown, Dauphin county, incorporated,	694
Wilkesbarre, incorporated,	762
Water, appropriation for the supply of,	677
lines on the Delaware and Schuylkill rivers, relating to,	721
works, commissioners of Delaware county authorized to construct,	789
Waterford and Marvin's Mills Plank Road Company incorporated,	494
Union Plank Road Company incorporated,	477
Wattsburg and State Line Plank Road Company incorporated,	255
Wayne, Edward C., sale of certain real estate to, confirmed,	93
power to sell, authorized to,	94
Wayne county—Certain road laws extended to,	445
Mount Pleasant township, relative to,	426
Palmyra township, place of holding elections in fixed,	294
Paupack township constituted a separate election district,	156
Preston township, relative to supervisors in,	426
Supervisors of Clinton and Mount Pleasant townships, relative to,	445
Waymart, incorporated into a borough,	375
Waynesboro, Quincy, Funkstown, and Fayetteville Turnpike Road Company, relative to,	144
Waynesburg, Green Castle, and Mercersburg Turnpike Road Company, supplement,	95
Webster, Hon. Daniel, resolution relative to,	788
Webster, John, for relief of,	185
for payment of,	668
Webster, Joseph D., relative to claim of,	618
Weccacoe Hose Company of district of Southwark, incorporated,	455
Weights, beams, and measures, for regulation of,	334
Wellsburg and West Newton Plank Road Company authorized to extend their road,	422
Wellsboro' and Mansfield Plank Road Company, relating to,	245
Wellsburg Plank Road Company incorporated,	524
West Philadelphia—Gas Company incorporated,	530
Relative to the boundaries of,	305
Added to the Philadelphia Police district,	570
Commissioners authorized to borrow money,	608
subscribe to the stock of the	
West Philadelphia Hall	
Association,	603
Name changed,	302

	PAGE
West Philadelphia—Odd Fellows' Hall Association incorporated,	363
Title to certain real estate in confirmed,	363
Third Ward, place of holding elections in fixed,	578
Washington street, relative to,	304
Commissioners authorized to nominate policemen to marshal of police,	667
Westmoreland county—Farm of Thomas Loyde no longer to form part of	
Pleasant Grove school district,	132
Gay's school district erected,	142
Hempfield township, relative to elections in,	869
Jones' mill school district erected,	599
Mars Hill school district, relating to,	600
Paspey's school district, relative to,	387
Union township, place of holding elections in fixed,	608
Youghiogheny school district, relative to,	601
West, William, executors of, authorized to sell certain real estate,	75
West Greenville and Ohio State Line Plank Road Company incorporated,	319
West Newton and Braddock's Field Plank Road Company incorporated,	542
Western Clinical Hospital of Philadelphia incorporated,	268
Insurance Company incorporated,	622
Western Pennsylvania Coal Company, relative to,	215
Wharf lines on the river Delaware, relative to,	721
Wharves and docks in the port of Philadelphia, relative to rent, &c., of,	354
Monongahela, in Pittsburg, declared a public landing,	708
on the river Delaware, relating to,	862
White Deer Bridge Company incorporated,	746
White, James, relative to claim of,	635
Whitemarsh and Plymouth Turnpike Road Company authorized to borrow money,	660
Wilkesbarre and Providence Plank Road Company incorporated,	645
Scranton Railroad Company incorporated,	70
Water Company incorporated,	762
Williams, Catharine, certain sale made by guardian of, validated,	405
Honore, for relief of,	451
Williams Valley Railroad and Mining Company, relative to,	447
Williamsburg Academy incorporated,	560
Williamsport and Elmira Railroad Company, relative to,	128
supplementary,	667
Bridge Company, relative to,	3
Williamson, Samuel, title to certain real estate confirmed to,	214
Wilson, George, authorized to collect certain taxes in Huntingdon county,	567
Wilton, Henry, authorized to construct a dam or breaker in the Susquehanna river,	352
Wolbert, Anna Maria, certain escheated estate released to,	821
Wolfersburger, Philip and John, authorized to execute a certain deed,	878
Wollerton, Wm., authorized to sell certain real estate,	236

	PAGE
Woodward, John S. C., heirs of, authorized to sell certain real estate,	872
Workman, Jane S., for relief of,	451
Wrightsville and New Holland Turnpike Road Company incorporated,	839
Wyoming Bank at Wilkesbarre, charter extended,	848
Wyoming county—Certain road laws relating to,	384
Elections, relative to holding of,	384
Forkstown township, place of holding elections in fixed,	40
Plank Road Company, incorporated,	436
Relative to the licensing of beer houses, ten-pin alleys, &c., in,	629

Y.

Yohe, Catharine, relative to estate of,	450
York and Cumberland Railroad Company, relative to,	463
Gettysburg turnpike road, relative to,	180
Hopewell Turnpike and Plank Road Company incorporated,	658
Bank, charter extended,	839
borough, supplement to act concerning,	2
relating to auctioneers in,	180
supplement to charter,	38
York county—Hopewell township, relative to the collection of certain school tax in,	4
Mechanicsburg, incorporated into a borough,	278
Relative to a certain road in,	278
Union Hall Association, incorporated,	415
Wrightsville borough, relative to plot of,	175
York township, place of holding elections in fixed,	607
York Furnace Bridge Company incorporated,	61
Young, James, name changed from,	176
Youngsville and Sugar Grove Plank Road Company incorporated,	481

Z.

Zimmerman, Barbara, for relief of,	110
Zook, Davis, of Chester county, legitimated,	52

